UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/721
10 December 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 98

HUMAN RIGHTS QUESTIONS

IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part I)*

Rapporteur: Ms. Rosemary SEMAFUMU (Uganda)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-sixth session the item entitled:

"Human rights questions:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

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* The report of the Committee on this item will be issued in two parts (see also A/46/721/Add.1).

"(c) Human rights situations and reports of special rapporteurs and representatives"

and to allocate it to the Third Committee.

2. The Committee considered the item at its 38th and 40th to 56th meetings, on 12 to 15, 18 to 22, 25 to 27 and 29 November 1991. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/46/SR.38 and 40-56).

3. For its consideration of the item, the Committee had before it the following documentation:

A/46/67	Letter dated 14 January 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;
A/46/70	Letter dated 17 January 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;
A/46/71-E/1991/9	Letter dated 19 January 1991 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General;
A/46/72	Letter dated 24 January 1991 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General;
A/46/81	Letter dated 5 February 1991 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General;
A/46/83	Letter dated 8 February 1991 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General;
A/46/85	Note verbale dated 12 February 1991 from the Permanent Mission of Suriname to the United Nations addressed to the Secretary-General;
A/46/95	Letter dated 26 February 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;
A/46/96	Letter dated 27 February 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;
A/46/99	Letter dated 28 February 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;
A/46/117	Letter dated 12 March 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;
A/46/121	Letter dated 25 March 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;
A/46/135	Letter dated 8 April 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;

A/46/166-E/1991/71 Note verbale dated 6 May 1991 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General;

A/46/183 Letter dated 20 May 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;

A/46/184-E/1991/81 Note verbale dated 21 May 1991 from the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General;

A/46/205 Letter dated 29 May 1991 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General;

A/46/210 Letter dated 28 May 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;

A/46/226 Letter dated 5 June 1991 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General;

A/46/260 Letter dated 14 June 1991 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General;

A/46/270 Letter dated 24 June 1991 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General;

A/46/273 Letter dated 26 June 1991 from the Permanent Representatives of Bulgaria and the Ukrainian Soviet Socialist Republic to the United Nations addressed to the Secretary-General;

A/46/290 Letter dated 1 July 1991 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Secretary-General;

A/46/292-S/22769 Letter dated 7 July 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General;

A/46/294 Letter dated 9 July 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Albania to the United Nations addressed to the Secretary-General;

A/46/304-S/22796 Note verbale dated 15 July 1991 from the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General;

A/46/312 Letter dated 2 July 1991 from the Permanent Representative of Iraq to the United Nations addressed to the President of the General Assembly;

A/46/322 Letter dated 23 July 1991 from the representatives of Germany and Poland to the United Nations addressed to the Secretary-General;

A/46/331 Letter dated 30 July 1991 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General;

A/46/332 Letter dated 30 July 1991 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General;

A/46/351 Letter dated 5 August 1991 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General;

A/46/367 Letter dated 5 August 1991 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General;

A/46/402 Letter dated 29 August 1991 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General;

A/46/424 Letter dated 5 September 1991 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General;

A/46/467 Letter dated 12 September 1991 from the representatives of Hungary and Ukraine to the United Nations addressed to the Secretary-General;

A/46/485 Letter dated 17 September 1991 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General;

A/46/486-S/23055 Letter dated 19 September 1991 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General;

A/46/493 Letter dated 23 September 1991 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General;

A/46/526 Letter dated 1 October 1991 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General;

A/46/582 Letter dated 18 October 1991 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General;

A/46/587 Letter dated 21 October 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General;

A/46/598-S/23166 Letter dated 23 October 1991 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General;

A/46/697 Letter dated 18 November 1991 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General;

A/46/699-S/23242 Letter dated 22 November 1991 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General.

Item 98 (a): Implementation of human rights instruments

A/46/3 Report of the Economic and Social Council, chap. VI, sect. C (A/46/3 and Add.1); 1/

A/46/40 Report of the Human Rights Committee; 2/

A/46/46 Report of the Committee against Torture; 3/

A/46/392 Report of the Secretary-General on the status of the Convention on the Rights of the Child (General Assembly resolution 45/104);

A/46/393 Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (General Assembly resolution 45/135);

A/46/394 Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 45/142);

A/46/503 Report of the Secretary-General on the effective implementation of United Nations instruments on human rights and effective functioning of bodies established pursuant to such instruments (General Assembly resolution 45/85);

A/46/395 Note by the Secretary-General on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158);

A/46/490 Note by the Secretary-General transmitting the report of the Committee on Economic, Social and Cultural Rights (E/1991/23) (Economic and Social Council resolution 1991/33);

A/46/618 Report of the Secretary-General on the status of the United Nations Voluntary Fund for Victims of Torture;

1/ To be issued as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 3 (A/46/3/Rev.1).

2/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 40 (A/46/40).

3/ Ibid., Supplement No. 46 (A/46/46).

A/46/650	Report of the Secretary-General on implications of full funding for the operation of all human rights treaty bodies;
A/C.3/46/5	Letter dated 21 November 1991 from the Permanent Representative of Australia to the United Nations addressed to the Secretary-General.

Item 98 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

A/46/3	Report of the Economic and Social Council, chap. VI, sect. C (A/46/3 and Add.1); 1/
A/46/24	Report of the Preparatory Committee for the World Conference on Human Rights (General Assembly resolution 45/155); 4/
A/46/473	Report of the Secretary-General on torture and inhuman treatment of children in detention in South Africa (General Assembly resolution 45/144);
A/46/542	Report of the Secretary-General on human rights and mass exoduses (General Assembly resolution 45/153);
A/46/543	Report of the Secretary-General on the preparation and organization of the International Year for the World's Indigenous Peoples (General Assembly resolution 45/164);
A/46/603	Report of the Secretary-General on developments relating to the activities of the Centre for Human Rights (General Assembly resolution 45/180);
A/46/609 and Corr.1 and Add.1-2	Report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (General Assembly resolution 45/150);
A/46/616 and Corr.1	Report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections General Assembly resolution 45/151);
A/46/420	Note by the Secretary-General transmitting his updated report on national institutions for the protection and promotion of human rights (E/CN.4/1991/23 and Add.1) (General Assembly resolution 44/64);

4/ Ibid., Supplement No. 24 (A/46/24).

A/46/421 Note by the Secretary-General transmitting the draft body of principles for the protection of persons with mental illness and for the improvement of mental health care (Economic and Social Council resolution 1991/29);

A/46/422 Note by the Secretary-General on the question of a draft model text for national legislation in the field of human rights in the administration of justice (E/CN.4/Sub.2/1991/26) (General Assembly resolution 45/166);

A/46/504 Note by the Secretary-General transmitting the "Comprehensive report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1990/18" (Right to development) (E/CN.4/1991/12 and Add.1) (General Assembly resolution 45/97);

A/C.3/46/L.2 Note by the Secretariat transmitting a draft resolution entitled "Respect for the will of the people of Myanmar" (General Assembly decision 45/432);

A/C.3/46/L.3 Note by the Secretariat transmitting a draft resolution entitled "Non-discrimination and protection of minorities" (General Assembly decision 45/434).

Item 98 (c): Human rights situations and reports of special rapporteurs and representatives

A/46/3 Report of the Economic and Social Council, chap. VI, sect. C (A/46/3 and Add.1); 1/

A/46/401 Note by the Secretary-General transmitting the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on Southern Africa (Economic and Social Council decision 1991/237);

A/46/446 Note by the Secretary-General on the situation of human rights in southern Lebanon (Economic and Social Council decision 1991/268);

A/46/529 Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in El Salvador (Economic and Social Council decision 1991/257);

A/46/544 and Corr.1 Note by the Secretary-General transmitting the preliminary report on the situation of human rights in Kuwait under Iraqi occupation prepared by the Special Rapporteur of the Commission on Human Rights (Economic and Social Council decision 1991/251);

A/46/606 Note by the Secretary-General transmitting the interim report on the situation of human rights in Afghanistan prepared by the Special Rapporteur of the Commission on Human Rights (Economic and Social Council decision 1991/259);

A/46/647 Note by the Secretary-General transmitting the interim report on the situation of human rights in Iraq prepared by the Special Rapporteur of the Commission on Human Rights (Economic and Social Council decision 1991/256).

4. At the 38th meeting, on 12 November 1991, the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights made an introductory statement on sub-item (a) (see A/C.3/46/SR.38).

5. At the 44th meeting, on 19 November, the Under-Secretary-General for Human Rights made an introductory statement on sub-items (b) and (c) (see A/C.3/46/SR.44).

6. At the same meeting, under sub-item 98 (c), the Committee also heard introductory statements by the Special Rapporteur on the situation of human rights in Afghanistan, the Special Rapporteur on the situation of human rights in Iraq and by the Chairman/Rapporteur of the Ad Hoc Working Group of Experts on Southern Africa. The Chief of the Special Procedures Section of the Centre for Human Rights read out the introductory statement on behalf of the Special Rapporteur on the situation of human rights in El Salvador (see A/C.3/46/SR.44).

II. CONSIDERATION OF PROPOSALS

(a) Implementation of human rights instruments

A. Draft resolution A/C.3/46/L.40

7. At the 49th meeting, on 25 November 1991, the representative of Iceland, on behalf of Argentina, Australia, Austria, Brazil, Canada, Chile, Colombia, Czechoslovakia, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kenya, Liechtenstein, Luxembourg, Malta, Morocco, the Netherlands, New Zealand, Norway, Spain, Sweden, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, introduced a draft resolution (A/C.3/46/L.40) entitled "United Nations Voluntary Fund for Victims of Torture".

8. At its 54th meeting, on 27 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution I).

B. Draft resolution A/C.3/46/L.41

9. At the 49th meeting, on 25 November, the representative of Canada, on behalf of Australia, Austria, Canada, Costa Rica, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, Spain, Sweden and Yugoslavia, introduced a draft resolution (A/C.3/46/L.41) entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights".

10. The Committee had before it a statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications (A/C.3/46/L.66, Part I), of the draft resolution (A/C.3/46/L.41).

11. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution II).

12. Before the adoption of the draft resolution, the representative of Japan stated that her delegation would not participate in the vote.

13. After the adoption of the draft resolution, the representative of the United States of America stated that her delegation had not participated in the vote.

C. Draft resolution A/C.3/46/L.42

14. At the 49th meeting, on 25 November, the representative of Sweden, on behalf of Argentina, Austria, the Bahamas, Bangladesh, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Hungary, Iceland, Indonesia, Italy, Kenya, Lesotho, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Namibia, Nepal, the Netherlands, Nicaragua, Norway, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Samoa, Senegal, Spain, Sri Lanka, the Sudan, Suriname, Sweden, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yugoslavia and Zimbabwe, introduced a draft resolution (A/C.3/46/L.42) entitled "Implementation of the Convention on the Rights of the Child". Subsequently, Australia, Cameroon, the Democratic Republic of Korea, Ghana, Ireland, Jordan, Mongolia, Mozambique, New Zealand, Pakistan, Swaziland and Togo joined in sponsoring the draft resolution.

15. The Committee had before it a statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications (A/C.3/46/L.66, Part II), of the draft resolution (A/C.3/46/L.42).

16. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution III).

D. Draft decision A/C.3/46/L.45

17. At the 53rd meeting, on 27 November, the representative of the Netherlands introduced a draft decision (A/C.3/46/L.45) entitled "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

18. At its 55th meeting, on 29 November, the Committee adopted the draft decision without a vote (see para. 103, draft decision I).

E. Draft decision A/C.3/46/L.47

19. At the 54th meeting, on 27 November, the representative of Australia introduced a draft decision (A/C.3/46/L.47) entitled "Consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination".

20. The Committee had before it a statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications (A/C.3/46/L.66, Part I), of the draft decision (A/C.3/46/L.47).

21. At its 55th meeting, on 29 November, the Committee adopted the draft decision without a vote (see para. 103, draft decision II).

22. Before the adoption of the draft decision, the representative of Japan made a statement.

23. After the adoption of the draft decision, the representative of the United States of America made a statement.

F. Draft resolution A/C.3/46/L.49

24. At the 53rd meeting, on 27 November, the representative of Sweden, on behalf of Australia, Austria, Belarus, Canada, Costa Rica, Denmark, Ecuador, El Salvador, Finland, Hungary, Iceland, Italy, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Senegal, Spain, Sweden and the Union of Soviet Socialist Republics, introduced a draft resolution (A/C.3/46/L.49) entitled "International covenants on human rights".

25. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution IV).

G. Draft resolution A/C.3/46/L.52

26. At the 53rd meeting, on 27 November, the representative of Mexico, on behalf of Algeria, Bangladesh, Bolivia, Colombia, Cuba, Czechoslovakia, Ecuador, France, Greece, Guatemala, Guinea, India, Italy, Mali, Mexico, Morocco, Nicaragua, Peru, the Philippines, Portugal, Senegal, Sweden, Tunisia, Turkey, Uruguay, Yugoslavia and Zimbabwe, introduced a draft resolution (A/C.3/46/L.52) entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". In introducing the draft resolution, the representative of Mexico, speaking on behalf of the sponsors, orally revised operative paragraph 7, by replacing the word "item" by "sub-item".

27. At its 55th meeting, on 29 November, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution V).

28. Before the adoption of the draft resolution, the representative of Costa Rica made a statement.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

H. Draft resolution A/C.3/46/L.3/Rev.1

29. At the 49th meeting, on 25 November, the representative of Ukraine, on behalf of Austria, Bulgaria, Cape Verde, Costa Rica, Czechoslovakia, Finland, Germany, Hungary, Italy, Latvia, Lithuania, the Netherlands, Norway, the Philippines, Poland, Romania, Sweden, Ukraine, the Union of Soviet Socialist Republics and the United States of America, introduced a revised draft resolution (A/C.3/46/L.3/Rev.1) entitled "Non-discrimination and protection of minorities". Subsequently, Denmark joined in sponsoring the revised draft resolution.

30. At its 54th meeting, on 27 November, the Committee adopted the revised draft resolution without a vote (see para. 102, draft resolution VI).

I. Draft resolution A/C.3/46/L.26

31. At the 49th meeting, on 25 November, the representative of Morocco, on behalf of Algeria, Argentina, Australia, Austria, the Bahamas, Bangladesh, Belarus, Belgium, Benin, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, the Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Latvia, the Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar,

Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, the Philippines, Poland, Portugal, Romania, Samoa, Senegal, Sierra Leone, Spain, Sweden, Togo, Tunisia, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela and Yugoslavia, introduced a draft resolution (A/C.3/46/L.26) entitled "World Conference on Human Rights". Subsequently, Cuba, India, Mozambique, Zambia and Zimbabwe joined in sponsoring the draft resolution.

32. The Committee had before it a statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications (A/C.3/46/L.35) of the draft resolution (A/C.3/46/L.26).

33. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution VII).

34. Before the adoption of the draft resolution, statements were made by the representatives of Morocco and Costa Rica in connection with the statement on the programme budget implications of the draft resolution (A/C.3/46/L.35).

35. After the adoption of the draft resolution, the representative of the United States of America stated that her delegation had not participated in the vote.

J. Draft resolutions A/C.3/46/L.34 and Rev.1

36. At the 49th meeting, on 25 November, the representative of Cuba, on behalf of Afghanistan, Algeria, Angola, Bolivia, Burkina Faso, Colombia, Cuba, Cyprus, the Democratic People's Republic of Korea, Ecuador, Guinea, Guinea-Bissau, India, Iran (Islamic Republic of), the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mexico, Namibia, Nigeria, Peru, Sierra Leone, Uganda, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/46/L.34) entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

37. At the 53rd meeting, on 27 November, the representative of Cuba, on behalf of the sponsors, joined by the Central African Republic and the Sudan, introduced a revised draft resolution (A/C.3/46/L.34/Rev.1). Subsequently, Iraq joined in sponsoring the revised draft resolution. The revisions were as follows:

(a) In operative paragraph 5, the words "further to its resolution 45/155" were deleted, and the word "particular" was replaced by the word "due";

(b) A new operative paragraph 10 was inserted to read as follows:

"10. Urges all States to cooperate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;"

(c) Existing operative paragraphs 10 to 12 were renumbered 11 to 13.

38. At its 55th meeting, on 29 November, the Committee adopted the revised draft resolution by a recorded vote of 101 to 2, with 36 abstentions (see para. 102, draft resolution VIII). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

39. Before the adoption of the draft resolution, the representative of the Netherlands made a statement (on behalf of the States Members of the United Nations that are members of the European Community) in explanation of vote.

40. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of New Zealand and Canada.

K. Draft resolution A/C.3/46/L.36

41. At the 49th meeting, on 25 November, the representative of Greece, on behalf of Algeria, Argentina, Australia, Austria, the Bahamas, Belgium, Benin, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, the Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Hungary, Iceland, Indonesia, Ireland, Italy, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mauritania, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Samoa, Senegal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Venezuela and Zimbabwe, introduced a draft resolution (A/C.3/46/L.36) entitled "Strengthening of the Centre for Human Rights". Subsequently, Suriname and Togo joined in sponsoring the draft resolution.

42. At its 54th meeting, on 27 November, after statements by the representatives of Japan, Cuba, Greece, the United Kingdom of Great Britain and Northern Ireland and Austria, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution IX).

43. After the adoption of the draft resolution, the Chairman made a statement.

L. Draft resolution A/C.3/46/L.37

44. At the 53rd meeting, on 27 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Australia, Austria, Belgium, Cameroon, Chile, Costa Rica, France, Greece, Guatemala, Hungary, Italy, Luxembourg, Morocco, the Netherlands, Nigeria, Panama, Peru, the Philippines, Samoa, Spain, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Zaire and Zimbabwe introduced a draft resolution (A/C.3/46/L.37) entitled "The protection of persons with mental illness and the improvement of mental health care". Subsequently, Lesotho joined in sponsoring the draft resolution.

45. At the 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution X).

46. After the adoption of the draft resolution, the representative of Sweden (on behalf of Finland, Norway and Sweden) made a statement.

M. Draft resolution A/C.3/46/L.38

47. At the 49th meeting, on 25 November, the representative of Austria, on behalf of Argentina, Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Liechtenstein, the Netherlands, New Zealand, Norway, the Philippines, Samoa, Senegal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/46/L.38) entitled

"Human rights in the administration of justice". Subsequently, Togo joined in sponsoring the draft resolution.

48. At the same meeting, the representative of Austria orally revised operative paragraph 5 of the draft resolution by replacing the words "standards in the field of human rights" by the words "of existing standards and instruments in the field of human rights".

49. At the 55th meeting, on 29 November, the representative of Austria, on behalf of the sponsors, further orally revised the draft resolution by inserting, in the fourth preambular paragraph, the words "the Basic Principles on the Role of Lawyers" between the words "Judiciary" and "the Model Agreement", and the words "the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials" between the words "Code of Conduct for Law Enforcement Officials" and "and the Standard Minimum Rules".

50. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XI).

N. Draft resolutions A/C.3/46/L.39 and Rev.1

51. At the 49th meeting, on 25 November, the representative of Peru, on behalf of Bolivia, Chile, Colombia, the Dominican Republic, Ecuador, Honduras, Mexico, Morocco, Nicaragua, Paraguay, Peru, the Philippines, Senegal, Uruguay and Venezuela, introduced a draft resolution (A/C.3/46/L.39) entitled "Human rights and extreme poverty", which read as follows:

> "The General Assembly,
>
> "Reaffirming the Universal Declaration of Human Rights, 5/ the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 6/ and other international instruments concerning human rights adopted by the United Nations,
>
> "Recalling its resolutions 44/212 of 22 December 1989, 44/148 of 15 December 1989, 45/213 of 21 December 1990 and other relevant resolutions,
>
> "Bearing in mind resolution 1991/14 of the Commission on Human Rights whereby the Commission drew its attention to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights,

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5/ Resolution 217 A (III).

6/ Resolution 2200 A (XXI).

"Recalling resolution 45/199 of 21 December 1990, which proclaims the Fourth United Nations Development Decade, the preamble to which identifies violence, social disorder and terrorism as characteristics of the past decade and the search for a significant reduction in extreme poverty as one of its principal goals and a shared responsibility of all countries,

"Recognizing that extreme poverty is a violation of human dignity and a direct infringement of the right to life,

"Recognizing that situations of extreme poverty may, in some cases, exacerbate social conflict, creating situations of violence which have a substantial impact on the life of peoples and of States,

"Deeply concerned at the steady increase in extreme poverty in the world and at its effect on the most vulnerable groups of society, who are thus prevented from exercising their human rights and fundamental freedoms,

"Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

"Recognizing that the grave suffering of the great majority of human beings who live in conditions of extreme poverty demands the immediate attention of the international community and the adoption of concrete measures for the elimination of extreme poverty and the resulting exacerbation of social conflict which heightens the suffering of the neediest,

"Recognizing also the valiant effort of the very poor not to allow themselves to be swept away by violence and to build peace,

"1. Affirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international measures are therefore required to eliminate them;

"2. Stresses the need for an in-depth and complete study of the nature of the phenomenon of extreme poverty which affects mankind, and of its role in generating social disorder;

"3. Requests the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the causes which, combined with poverty, exacerbate social conflict and create situations of violence which affect the life of peoples and States;

"4. Again requests the financial institutions of the international system to intensify their efforts to mitigate poverty, basically by giving priority to their poverty-oriented loan operations and to economic research and policy analysis related to extreme poverty;

"5. Takes note with appreciation of the concrete measures taken by the United Nations Children's Fund to lessen the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for a means of alleviating poverty within the framework of resolutions 45/199 and 45/213;

"6. Decides to continue the consideration of this question at its forty-seventh session in connection with the item entitled 'Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms'."

52. At the 54th meeting, on 27 November, the representative of Peru, on behalf of the sponsors, now joined by Cuba, France, Guatemala, Nigeria and Spain, introduced a revised draft resolution (A/C.3/46/L.39/Rev.1). Subsequently, the Bahamas, Costa Rica and Vanuatu joined in sponsoring the revised draft resolution. The revisions were as follows:

(a) In the second preambular paragraph, the words "45/213 of 21 December 1990" were deleted;

(b) The fourth preambular paragraph was revised to read as follows:

"Recalling resolution 45/199 of 21 December 1990, which proclaims the Fourth United Nations Development Decade, one of the main characteristics of the Decade being the search for a significant reduction in extreme poverty and a shared responsibility of all countries";

(c) In the sixth paragraph, the words "a direct infringement of" were replaced by the words "could constitute a threat to";

(d) The sixth preambular paragraph was deleted;

(e) A new preambular paragraph was inserted between the seventh and eighth preambular paragraphs to read as follows:

"Aware of the need for a better understanding of the causes of extreme poverty";

(f) In the ninth preambular paragraph, the words "the resulting exacerbation of social conflict which heightens the suffering of the neediest" were replaced by the words "social exclusion";

(g) The last preambular paragraph was deleted;

(h) In operative paragraph 2, the words "and of its role in generating social disorder" were deleted;

(i) Operative paragraph 3 was revised to read as follows:

"3. Requests the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the conditions in which the poorest themselves can convey their experience and so contribute to a better understanding of their situation of social exclusion";

(j) Operative paragraph 4 was replaced by the following text:

"4. Again requests States, the specialized agencies and United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem";

(k) In operative paragraph 5, the word "relevant" was inserted between "of" and "resolutions" and the words "45/199 and 45/213" were deleted;

(l) In operative paragraph 6, the word "item" was replaced by the word "sub-item".

53. At its 55th meeting, on 29 November, the Committee adopted the revised draft resolution without a vote (see para. 102, draft resolution XII).

O. Draft resolution A/C.3/46/L.44

54. At the 53rd meeting, on 27 November, the representative of the Netherlands, on behalf of Colombia, Costa Rica, Ecuador, Greece, Morocco, the Netherlands, Nigeria, Portugal, Romania and Venezuela, introduced a draft resolution (A/C.3/46/L.44) entitled "United Nations Voluntary Trust Fund on Contemporary Forms of Slavery".

55. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution XIII).

P. Draft resolution A/C.3/46/L.46

56. At the 53rd meeting, on 27 November, the representative of Yugoslavia, on behalf of Afghanistan, Algeria, Argentina, Bolivia, Brazil, Burkina Faso, Cameroon, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Dominican Republic, Ecuador, Egypt, Ethiopia, Guatemala, India, Lesotho, the Libyan Arab Jamahiriya, Mali, Mexico, Morocco, Nigeria, Peru, the Philippines, Rwanda, Senegal, the Sudan, Suriname, Tunisia, the United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/46/L.46) entitled "Right to development".

57. At the 55th meeting, on 29 November, the representative of Yugoslavia orally revised operative paragraph 11 of the draft resolution by replacing the word "item" with the word "sub-item".

58. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XIV).

Q. Draft resolution A/C.3/46/L.48

59. At the 53rd meeting, on 27 November, the representative of India, on behalf of Australia, Belarus, Bulgaria, Cameroon, Chile, Costa Rica, Czechoslovakia, France, India, Mongolia, Morocco, New Zealand, Nigeria, the Philippines, Samoa, Senegal, Ukraine, the Union of Soviet Socialist Republics and Yugoslavia, introduced and orally revised a draft resolution (A/C.3/46/L.48) entitled "National institutions for the protection and promotion of human rights", as follows:

(a) In operative paragraph 8, the word "including" was deleted;

(b) In operative paragraph 9, the word "including" was replaced by the words "as well as";

(c) In operative paragraph 11, the words "prepared or organized" were inserted between the words "activities" and "under the auspices".

60. At its 55th meeting, on 29 November, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XV).

61. After the adoption of the draft resolution, the representative of Norway (on behalf of Denmark, Finland, Iceland, Norway and Sweden) made a statement.

R. Draft resolution A/C.3/46/L.50

62. At the 53rd meeting, on 27 November, the representative of France, on behalf of Australia, Austria, Belgium, Benin, Canada, Chile, Côte d'Ivoire, Cyprus, Denmark, France, Gabon, Germany, Greece, Grenada, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Niger, Norway, Portugal, Samoa, Senegal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, introduced a draft resolution (A/C.3/46/L.50) entitled "Question of enforced or involuntary disappearances". Subsequently, Costa Rica, Finland, New Zealand, Nigeria and the United States of America joined in sponsoring the draft resolution.

63. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution XVI).

S. Draft resolution A/C.3/46/L.54

64. At the 53rd meeting, on 27 November, the representative of Belarus, on behalf of Argentina, Belarus, Benin, Bolivia, Cuba, Cyprus, Czechoslovakia, the Lao People's Democratic Republic, Madagascar, Mongolia, Morocco, Poland, Togo, Ukraine, the Union of Soviet Socialist Republics and Viet Nam, introduced a draft resolution (A/C.3/46/L.54) entitled "Human rights and scientific and technological progress" and orally revised operative paragraph 6, which had read:

"6. Decides to include in the provisional agenda of its forty-eighth session the item entitled 'Human rights and scientific and technological progress',

to read as follows:

"6. Decides to consider the question of human rights and scientific and technological progress at its forty-eighth session under the item entitled 'Human rights questions'."

Subsequently, Nigeria and Senegal joined in sponsoring the draft resolution.

65. At its 55th meeting, on 29 November, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XVII).

T. Draft resolution A/C.3/46/L.55

66. At the 53rd meeting, on 27 November, the representative of Canada, on behalf of Australia, Canada, Costa Rica, Germany, Hungary, Italy, Japan, Jordan, Luxembourg, the Netherlands, New Zealand, the Philippines, Poland, Samoa, the United Kingdom of Great Britain and Northern Ireland and the United States of America introduced a draft resolution (A/C.3/46/L.55) entitled "Human rights and mass exoduses". Subsequently, Jamaica, Nigeria and Senegal joined in sponsoring the draft resolution.

67. In introducing the draft resolution, the representative of Canada orally revised the text by inserting a new operative paragraph between existing operative paragraphs 6 and 7 to read as follows:

"7. Also notes in this connection that mass movements of populations are caused by multiple and complex factors, either man-made or natural, ranging from wars and armed conflicts, invasions and aggressions, violations of human rights, forcible expulsions, economic and social factors, natural disasters, to degradation in the environment which indicates that early warning requires an inter-sectoral and multi-disciplinary approach".

68. At its 55th meeting, on 29 November, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XVIII).

69. Before the adoption of the draft resolution, the representative of Cuba made a statement.

U. Draft resolution A/C.3/46/L.56

70. At the 53rd meeting, on 27 November, the representative of Canada, on behalf of Australia, the Bahamas, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Fiji, Finland, Greece, Guatemala, Hungary, the Marshall Islands, Mexico, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Peru, the Philippines, Samoa, Senegal, Sierra Leone, Sweden, Ukraine, the Union of Soviet Socialist Republics and Vanuatu, introduced a draft resolution (A/C.3/46/L.56) entitled "International Year for the World's Indigenous People".

71. The Committee had before it a statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications (A/C.3/46/L.65) of the draft resolution (A/C.3/46/L.56).

72. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution XIX).

V. Draft resolution A/C.3/46/L.59

73. At the 53rd meeting, on 27 November, the representative of Cuba, on behalf of Afghanistan, Cuba, the Lao People's Democratic Republic, Nigeria, Viet Nam and Zimbabwe, introduced a draft resolution (A/C.3/46/L.59) entitled "Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity".

74. At the 56th meeting, on 29 November, the representative of Cuba, on behalf of the sponsors, and as a result of consultations, orally revised the draft resolution as follows:

(a) In the eighth preambular paragraph, the words "in strict compliance with Article 2 of the Charter, and for the basic purpose of bringing about international cooperation in solving international problems of a humanitarian character, achieving development and promoting the rights and freedoms of all," were replaced by the words:

> "in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,";

(b) A new preambular paragraph was inserted between the twelfth and thirteenth preambular paragraphs to read as follows:

> "Noting the recommendation of the Commission on Human Rights that the Preparatory Committee for the World Conference on Human Rights, being guided by a spirit of consensus, should make suggestions aimed at ensuring the universality, objectivity and non-selectivity of the

consideration of human rights issues in United Nations human rights forums,";

(c) The fourteenth preambular paragraph, which had read:

"Reaffirming the duty of every State to refrain from exploiting and distorting human rights questions as a means of interfering in the internal affairs of States, exerting pressure on other States or creating distrust and disorder within or between States or groups of States,"

was deleted;

(d) In operative paragraph 7, the words "while reiterating the duty of all States to refrain from any campaign of defamation, slander or hostile propaganda carried out for the purpose of interfering in the internal affairs of other States" at the end of the paragraph, were deleted;

(e) Operative paragraphs 10 and 11, which had read:

"10. Also requests the Preparatory Committee for the World Conference on Human Rights and the Regional Conferences to consider the content of the present resolution as a matter of priority, with a view to recommending ways and means to strengthen United Nations action in this regard;

"11. Requests the Governments of Member States to give the Secretary-General their views and comments on the present resolution so that they can be transmitted to the Preparatory Committee for the World Conference on Human Rights;"

were replaced by a new operative paragraph 10 to read as follows:

"10. Requests the Secretary-General to invite Governments, in responding to the request in operative paragraph 8 of Commission on Human Rights resolution 1991/79, to comment also on the present resolution in time for the transmission of their comments to the Preparatory Committee for the World Conference on Human Rights and the regional conferences for their consideration, including ways and means to strengthen United Nations action in this regard";

(f) Operative paragraph 12, which had read:

"12. Requests the Secretary-General to provide the Preparatory Committee for the World Conference on Human Rights with the documentation available on the content of the present resolution",

was revised and renumbered as operative paragraph 11, to read:

"11. Requests the Secretary-General to provide the Preparatory Committee for the World Conference on Human Rights with the United Nations documentation relevant to the present resolution;".

75. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XX).

76. After the adoption of the draft resolution, statements were made by the representatives of Denmark (on behalf of Denmark, Finland, Iceland, Norway and Sweden), the Netherlands (on behalf of the States Members of the United Nations that are members of the European Community) and Australia.

W. Draft resolution A/C.3/46/L.60

77. At the 54th meeting, on 27 November, the representative of Cuba, on behalf of Afghanistan, China, Cuba, the Democratic People's Republic of Korea, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, the United Republic of Tanzania, Viet Nam, and Zimbabwe, introduced a draft resolution (A/C.3/46/L.60) entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", which he orally revised by replacing, in operative paragraph 11, the words "Enhancing the effectiveness of the principle of periodic and genuine elections" with the words "Human rights questions".

78. At its 55th meeting, on 29 November, the Committee adopted the draft resolution, as orally revised, by a recorded vote of 86 to 40, with 11 abstentions (see para. 102, draft resolution XXI). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Gabon, Ghana, Guatemala, Guinea, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Albania, Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Spain, Sweden, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, Costa Rica, Cyprus, Ethiopia, Fiji, Guyana, Honduras, Jamaica, Malta, Mongolia, Samoa.

79. Before the adoption of the draft resolution, the representative of the Netherlands (on behalf of the States Members of the United Nations that are members of the European Community) made a statement in explanation of vote.

80. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Chile, Australia and Guatemala.

X. Draft resolution A/C.3/46/L.63

81. At the 54th meeting, on 27 November, the representative of Ireland, on behalf of Argentina, Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Côte d'Ivoire, Czechoslovakia, Fiji, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Nigeria, Norway, Peru, the Philippines, Portugal, Samoa, Senegal, Sweden, Ukraine, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution (A/C.3/46/L.63) entitled "Elimination of all forms of religious intolerance". Subsequently, Belarus, Chile, the United States of America and Zimbabwe joined in sponsoring the draft resolution.

82. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution XXII).

(c) Human rights situations and reports of Special Rapporteurs and representatives

Y. Draft resolutions A/C.3/46/L.2 and L.43

83. At the 54th meeting, on 27 November, the representative of Sweden, on behalf of Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritius, the Netherlands, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/46/L.43) entitled "Situation in Myanmar".

84. At the same meeting, the representative of Sweden, on behalf of Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Panama, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, announced that the draft resolution contained in document A/C.3/46/L.2, entitled "Respect for the will of the people of Myanmar", deferred by the General Assembly in its decision 45/432 of 18 December 1990 for consideration at its forty-sixth session, was withdrawn.

85. At the 56th meeting, on 29 November, the representative of Sweden, on behalf of the sponsors, orally revised operative paragraph 3 of the draft resolution (A/C.3/46/L.43) by deleting the words "Expresses its concern also at the continued deprivation of liberty of a number of democratically elected political leaders and", and by inserting the word "freely" between the words "to participate" and "in the political process".

86. At the same meeting, the representative of France, on behalf of Belgium, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain made a statement and announced that they had withdrawn from sponsoring the draft resolution, as orally revised.

87. At the same meeting, the representative of Myanmar made a statement.

88. Also at the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XXIII).

89. After the adoption of the draft resolution, the representative of Japan made a statement.

Z. Draft resolution A/C.3/46/L.51

90. At the 54th meeting, on 27 November, the representative of Costa Rica, on behalf of Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, France, Greece, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru, Spain, Uruguay and Venezuela, introduced a draft resolution (A/C.3/46/L.51) entitled "Situation of human rights and fundamental freedoms in El Salvador". Subsequently, Cuba and Samoa joined in sponsoring the draft resolution.

91. At its 55th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 102, draft resolution XXIV).

AA. Draft resolution A/C.3/46/L.53

92. At the 54th meeting, on 27 November, the representative of Belgium, on behalf of Argentina, Australia, Austria, Belgium, Canada, Costa Rica, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, Romania, Rwanda, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution (A/C.3/46/L.53) entitled "Situation of human rights in Iraq". Subsequently, Latvia and Samoa joined in sponsoring the draft resolution.

93. At its 55th meeting, on 29 November, the Committee adopted the draft resolution by a recorded vote of 109 to 1, with 12 abstentions (see para. 102, draft resolution XXV). The voting was as follows:

In favour: Albania, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mexico, Mongolia, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zambia, Zimbabwe.

Against: Iraq.

Abstaining: Bangladesh, Brunei Darussalam, China, Indonesia, Lebanon, Malaysia, Morocco, Namibia, Pakistan, Sri Lanka, Uganda, United Republic of Tanzania.

94. Before the adoption of the draft resolution, a statement was made by the representative of Iraq. The representative of Algeria stated that should a vote be taken on that resolution, his delegation would not participate in the vote.

BB. Draft resolution A/C.3/46/L.57

95. At the 54th meeting, on 27 November, the representative of Kuwait, on behalf of Argentina, Australia, Bahrain, Botswana, Canada, Costa Rica, Egypt, Hungary, India, Kuwait, the Netherlands, Oman, Pakistan, Qatar, Romania, Saudi Arabia, Sierra Leone, the Syrian Arab Republic, Turkey, the United Arab Emirates, Vanuatu and Zimbabwe, introduced a draft resolution (A/C.3/46/L.57) entitled "Situation of human rights in Kuwait under Iraqi occupation". Subsequently, the Philippines, Samoa and Senegal joined in sponsoring the draft resolution.

96. In introducing the draft resolution, the representative of Kuwait, on behalf of the sponsors, orally revised operative paragraph 7 of the draft resolution, by replacing the word "Demands" with the words "Further requests".

97. At its 55th meeting, on 29 November, the Committee adopted the draft resolution, as orally revised, by a recorded vote of 137 to 1 (see para. 102, draft resolution XXVI). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Iraq.

98. Before the adoption of the draft resolution, statements were made by the representatives of Iraq and Kuwait.

CC. Draft resolution A/C.3/46/L.58

99. At the 54th meeting, on 27 November, the Chairman drew the Committee's attention to a draft resolution (A/C.3/46/L.58) entitled "Situation of human rights in Afghanistan", submitted by the Chairman of the Committee on the basis of informal consultations.

100. At the 55th meeting, on 29 November, the Chairman orally revised the draft resolution by adding the words "as an important humanitarian question;" to the end of operative paragraph 7.

101. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 102, draft resolution XXVII).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

102. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 7/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 8/

Recalling with satisfaction the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 9/

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 10/

7/ Resolution 217 A (III).

8/ Resolution 3452 (XXX), annex.

9/ Resolution 39/46, annex.

10/ A/46/618.

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;

3. Invites Governments to make contributions to the Fund, preferably on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants;

4. Expresses its appreciation to the Governments that pledged a contribution to the Fund at the 1991 United Nations Pledging Conference for Development Activities;

5. Requests the Secretary-General to continue to include the Voluntary Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;

7. Also expresses its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund by carrying out its decisions on an increasing number of projects;

8. Requests the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

DRAFT RESOLUTION II

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 45/85 of 14 December 1990, as well as its other relevant resolutions,

Taking note of Commission on Human Rights resolution 1991/20 of 1 March 1991 11/ and Economic and Social Council decision 1990/226 of

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11/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

25 May 1990, by which the Council approved the recommendations of the Task Force on Computerization for computerizing the human rights treaty system, 12/

Reaffirming that the effective implementation of United Nations instruments on human rights is of major importance to the efforts made by the Organization, pursuant to the Charter of the United Nations and to the Universal Declaration of Human Rights, 13/ to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations instruments on human rights is indispensable for the full and effective implementation of such instruments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing further concern about the non-fulfilment by many States parties of their financial obligation under the relevant United Nations instruments on human rights,

Reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with the effective functioning of treaty bodies;

(c) Addressing the question of reporting obligations and that of financial implications whenever elaborating any further instruments on human rights;

Recalling the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988, 14/ and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by

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12/ See E/CN.4/1990/39, annex.

13/ Resolution 217 A (III).

14/ E/CN.4/1989/62, annex.

the General Assembly in its resolution 44/135 of 15 December 1989 and the Commission on Human Rights in its resolution 1989/47 of 6 March 1989, 15/

Taking note of the reports of the Secretary-General 16/ on progress achieved in enhancing the effective functioning of the treaty bodies, pursuant, inter alia, to the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988,

Taking particular note of the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990, 17/

Welcoming the study 18/ on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, prepared by an independent expert, pursuant to the above-mentioned resolutions,

Welcoming the report of the Secretary-General 19/ examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies,

1. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Expresses its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms, and which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session;

15/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

16/ A/44/539 and A/46/503.

17/ See A/45/636, annex.

18/ See A/44/668, annex.

19/ A/46/650.

3. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

5. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Endorses the request of the Commission that the Secretary-General report regularly to it on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of State parties;

6. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General review the need for adequate staffing resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its forty-eighth session and to the General Assembly at its forty-seventh session;

7. Calls upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and requests the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;

8. Requests the Secretary-General, as a matter of priority, to consider administrative and budgetary measures to alleviate the current financial difficulties of the treaty bodies and thus guarantee their regular functioning and to report on these measures to the Commission on Human Rights at its forty-seventh session;

9. Emphasizes that any administrative and budgetary measures shall be provided without prejudice to the duty of States parties under United Nations human rights instruments to meet all their current and outstanding financial obligations pursuant to such instruments;

10. Requests the Secretary-General to submit to the General Assembly at its forty-seventh session a further report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies;

11. Invites the State parties to the International Convention on the Elimination of All Forms of Racial Discrimination 20/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 9/ to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing these treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of these treaties;

12. Endorses the recommendation, made in October 1990, of the meeting of persons chairing the human rights treaty bodies, that the General Assembly should take appropriate measures to ensure the financing of each of the committees from the United Nations regular budget;

13. Requests the Secretary-General to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

14. Decides to give priority consideration at its forty-seventh session to the conclusions and recommendations of the meetings of persons chairing treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

DRAFT RESOLUTION III

Implementation of the Convention on the Rights of the Child

The General Assembly,

Recalling its resolution 44/25 of 20 November 1989, by which the Assembly adopted the Convention on the Rights of the Child,

Recalling also its resolutions 45/104 of 14 December 1990 and 45/217 of 21 December 1990, as well as the resolutions of the Commission on Human Rights 1990/74 of 7 March 1990 21/ and 1991/52 of 6 March 1991, 11/

20/ Resolution 2106 A (XX), annex.

21/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Bearing in mind the successful conclusion of the World Summit for Children, held in New York on 29 and 30 September 1990, in particular the adoption of the World Declaration on the Survival, Protection and Development of Children, while emphasizing the need for implementation of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 22/ and stressing the necessity to ensure follow-up to the Summit at the national and international levels,

Having considered the report of the Secretary-General on the status of the Convention, 23/

Bearing in mind that the Committee on the Rights of the Child held its first session from 30 September to 18 October 1991,

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child; 23/

2. Welcomes with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to

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22/ E/CN.4/1991/59.

23/ A/46/392.

promote universal respect for and observance of human rights and fundamental freedoms;

3. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

4. Calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

5. Requests the Secretary-General to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation, with a view to promoting further ratification of or accession to the Convention;

6. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

7. Recognizes the important functions of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;

8. Requests the Secretary-General to ensure the provision of appropriate staff and facilities so that the functions of the Committee on the Rights of the Child may be carried out effectively;

9. Supports the organization of the future work of the Committee on the basis of two sessions per year, each of two or three weeks duration, and the establishment of a pre-sessional working group for a preliminary review of reports from States parties;

10. Decides to take appropriate action on the recommendations of the Committee on the Rights of the Child at the forty-seventh session of the General Assembly, on the basis of the biennial report which the Committee is expected to submit to the General Assembly, through the Economic and Social Council; 24/

11. Invites the Secretary-General to convene a brief meeting of the States parties to the Convention, preferably during the forty-seventh session of the General Assembly, to determine the duration of the future meetings of the Committee on the Rights of the Child, prior to the consideration of the question by the Assembly;

24/ See article 44, paragraph 5, of the Convention on the Rights of the Child (resolution 44/25, annex).

12. Also requests the Secretary-General to consider favourably the possibility of enabling a working group of the whole of the Committee to meet in 1992; 25/

13. Invites United Nations bodies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

14. Further requests the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the status of the Convention on the Rights of the Child;

15. Decides to consider the report of the Secretary-General at its forty-seventh session under the item "Human rights questions".

DRAFT RESOLUTION IV

International covenants on human rights

The General Assembly,

Recalling its resolution 45/135 of 14 December 1990 and Commission on Human Rights resolution 1991/16 of 22 February 1991, 11/

Mindful that the International Covenants on Human Rights 26/ constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, 13/ form the core of the International Bill of Human Rights,

Considering that the twenty-fifth anniversary of the adoption of the Covenants on 16 December 1991 provides an appropriate occasion to focus on the fundamental importance and special status of these basic human rights instruments of the United Nations,

Taking note of the report of the Secretary-General 27/ on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights,

Noting the entry into force on 11 July 1991 of the Second Optional Protocol aiming at the abolition of the death penalty,

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25/ CRC/C/7.

26/ See resolution 2200 A (XXI), annex.

27/ A/46/393.

Noting, in this regard, that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights 26/ and the International Covenant on Civil and Political Rights, 26/ and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other,

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocols thereto, 28/

Also recognizing the important role of the Committee on Economic, Social and Cultural Rights in the implementation of the International Covenant on Economic, Social and Cultural Rights,

Welcoming the submission to the General Assembly of the annual report of the Human Rights Committee 29/ and the report of the Committee on Economic, Social and Cultural Rights on its fifth session, 30/

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

Taking note with satisfaction of the ongoing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve their methods of work,

Noting with concern the critical situation with regard to overdue reports from States parties to the International Covenants on Human Rights,

1. Takes note with appreciation of the report of the Human Rights Committee on its fortieth, forty-first and forty-second sessions; 29/

2. Also takes note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its fifth session, including its suggestions and recommendations;

28/ See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

29/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 40 (A/46/40).

30/ Official Records of the Economic and Social Council, 1991, Supplement No. 3 (E/1991/23).

3. Expresses its satisfaction with the serious and constructive manner in which both Committees are carrying out their function;

4. Urges States parties to the International Covenants on Human Rights to pay active attention to the protection and promotion of civil and political rights, as well as economic, social and cultural rights, taking into consideration their indivisible and interrelated character and the fact that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights;

5. Urges those States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with that request;

6. Also urges States parties to fulfil their reporting obligations under the International Covenants on Human Rights;

7. Notes with satisfaction that the majority of States parties to the International Covenant on Civil and Political Rights and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights have been represented by experts in the presentation of their reports, thereby assisting the respective monitoring bodies in their work, and hopes that all Statse parties to both Covenants will arrange such representation in the future;

8. Again urges all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

9. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

10. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

11. Stresses the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency, so that the justification for and appropriateness of measures taken in these circumstances can be assessed;

12. Appeals to States parties of the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservations should be reviewed;

13. Urges States parties to the International Covenant on Economic, Social and Cultural Rights, the specialized agencies and other relevant United Nations bodies to extend their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

14. Requests the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the other treaty bodies, the Commission on Human Rights, the functional commissions concerned, the Subcommission on Prevention of Discrimination and Protection of Minorities and, as appropriate, the specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies;

15. Also requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates;

16. Again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps to give more publicity to the work of that Committee and, similarly, to the work of the Committee on Economic, Social and Cultural Rights;

17. Encourages all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to distribute them and make them known as widely as possible in their territories;

18. Requests the Secretary-General to submit to the General Assembly at its forty-eighth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights.

DRAFT RESOLUTION V

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 7/ the International Covenants on Human Rights, 26/ the International Convention on the Elimination of All Forms of Racial Discrimination, 20/ the Convention on the Elimination of All Forms of Discrimination Against Women, 31/ and the Convention on the Rights of the Child, 32/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 45/158 of 18 December 1990, in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

1. Welcomes the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. Takes note of the Secretary-General's note on the implementation of the Convention; 33/

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses hope that it will enter into force at an early date;

31/ Resolution 34/180, annex.

32/ Resolution 44/25, annex.

33/ A/46/395.

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting understanding thereof;

6. Requests the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its forty-seventh session under the sub-item entitled "Human rights questions: implementation of human rights instruments".

DRAFT RESOLUTION VI

Non-discrimination and protection of minorities

The General Assembly,

Reaffirming that one of the main purposes of the United Nations, as proclaimed in its Charter, is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Noting the importance of the effective implementation of international human rights instruments with regard to the rights of persons belonging to national, ethnic, linguistic and religious minorities,

Welcoming the increased attention given by the human rights treaty bodies to the non-discrimination and protection of minorities,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights 26/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities,

Noting the important achievements in this regard in regional, subregional and bilateral frameworks, which can provide a useful source of inspiration for future United Nations activities,

Stressing the need to ensure for all, without discrimination of any kind, full enjoyment of human rights and fundamental freedoms and, in particular, to accomplish the elaboration of a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities,

Recalling its decision 45/434 of 18 December 1990, Commission on Human Rights resolution 1991/61 of 6 March 1991 11/ and Economic and Social Council resolution 1991/30 of 31 May 1991, in which the Council authorized the holding of an intersessional session of the open-ended working group of the Commission on Human Rights to complete its second reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, with a view to submitting the text to the Commission on Human Rights at its forty-eighth session,

1. Encourages the Commission on Human Rights to complete the final text of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities as soon as possible and to transmit it for adoption to the General Assembly, through the Economic and Social Council;

2. Requests the Secretary-General to inform the General Assembly at its forty-seventh session of the work done by the Commission on Human Rights with regard to the draft declaration;

3. Decides to keep the issue of the elaboration of the draft declaration on its agenda under the item entitled "Human rights questions".

DRAFT RESOLUTION VII

World Conference on Human Rights

The General Assembly,

Mindful of the goal of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as set out in the Charter of the United Nations and the Universal Declaration of Human Rights, 7/

Recognizing that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another,

Noting that violations of human rights and fundamental freedoms continue to occur,

Bearing in mind that all Member States have pledged themselves to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms in conformity with relevant articles of the Charter,

Noting the progress made by the United Nations towards this goal and the fact that there are areas in which further progress should be made,

Recalling its resolution 45/155 of 18 December 1990 in which it decided, inter alia, to convene at a high level a World Conference on Human Rights in 1993 and to establish a Preparatory Committee for the World Conference on Human Rights,

Taking note of Commission on Human Rights resolution 1991/30 of 5 March 1991 entitled "World Conference on Human Rights", 11/ and in particular the recommendations contained in the annex to that resolution,

Taking note of the views and recommendations expressed by Governments, specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights contained in the report of the Secretary-General, 34/

Welcoming the appointment of the Under-Secretary-General for Human Rights as Secretary-General of the World Conference,

1. Takes note with appreciation of the report of the Preparatory Committee for the World Conference on Human Rights on its first session; 35/

2. Expresses its appreciation to Governments, the bodies and organs of the United Nations system, and non-governmental organizations for their contributions to the preparatory meetings;

3. Decides that the Preparatory Committee, at its second session, will base the elaboration of the provisional agenda for the World Conference on Human Rights of 1993 on paragraph 1 of resolution 45/155;

4. Decides, in accordance with the decisions adopted by the Preparatory Committee:

I. (a) That the provisional agenda for the World Conference and the documentation related thereto be taken up by the Preparatory Committee at its second session;

(b) That the draft rules of procedure for the World Conference be taken up by the Preparatory Committee at its second session;

(c) That the World Conference be convened at Berlin, for a period of two weeks in 1993;

34/ A/CONF.157/PC/6.

35/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 24 (A/46/24).

(d) That the Secretary-General give the Conference and the preparatory process thereto the widest possible publicity and ensure full coordination of public information activities in the area of human rights within the United Nations system;

II. That the Preparatory Committee will meet for three further sessions at Geneva, twice in 1992 and once in 1993, the next session to last two weeks and the two further sessions one to two weeks each, if this is agreed to be necessary, and decides also that no more than two meetings take place simultaneously during the session of the Preparatory Committee and that no inter-sessional working group be established;

III. To reiterate its invitation for contributions of extrabudgetary resources to meet the costs of participation of representatives of the least developed countries in the preparatory meetings, including regional meetings and the World Conference itself, and to request the Secretary-General to intensify his efforts in this regard;

IV. That, in accordance with the objectives and provisions of General Assembly resolution 45/155, regional meetings be convened for each region that so desires within the institutional framework or with the assistance of the regional commissions and that these meetings be financed as part of the preparatory work for the World Conference, as recommended for consideration by the Commission on Human Rights in paragraph 8 of the annex to its resolution 1991/30;

V. To request the Secretary-General to prepare the following documentation as soon as possible and to report to the next session of the Preparatory Committee on the progress made on:

(a) A limited number of short, analytical and action-oriented studies on issues referred to in paragraph 1 of General Assembly resolution 45/155, Commission on Human Rights resolution 1991/30 and in particular in paragraph 2 of the annex thereto, and also bearing in mind documentation prepared for, as well as statements made at, the first session of the Preparatory Committee;

(b) Reports of meetings that have been organized under the auspices of the United Nations human rights programme pursuant to General Assembly resolution 45/155;

(c) A reference guide to all United Nations studies and reports on human rights or related aspects;

(d) An update of the publication United Nations Action in the Field of Human Rights;

(e) An update of the Compilation of International Instruments and the Status of International Instruments, including also texts of regional instruments on human rights;

To note further that the Preparatory Committee decided that the experts and consultants employed for this purpose should be selected with due regard to equitable geographical distribution;

VI. To encourage the Chairman of the Commission on Human Rights, the chairpersons or other designated members of human rights bodies, including the chairpersons of bodies established under international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups, to contribute as observers by taking part as appropriate in the work of the Preparatory Committee and the World Conference;

5. Renews its request to Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the World Conference and its preparation to the Preparatory Committee through the Secretary-General and to participate actively in the World Conference;

6. Requests the Secretary-General to encourage initiatives at the national, regional and international levels designed to make the World Conference process a success;

7. Also requests the Secretary-General to provide the Preparatory Committee with all necessary assistance;

8. Requests the Preparatory Committee to report to the General Assembly at its forty-seventh session on progress of its work.

DRAFT RESOLUTION VIII

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 7/ and of the International Covenants on Human Rights 26/ in promoting respect for and observance of human rights and fundamental freedoms,

Recalling further its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Noting with concern that many of the principles enunciated therein have not yet been taken under consideration by the international community with all the necessary dynamism and objectivity,

Emphasizing also the special importance of the purposes and principles proclaimed in the Declaration on the Right to Development, contained in its resolution 41/128 of 4 December 1986,

Recalling its resolutions concerning the right to development, and also its resolution 45/155 of 18 December 1990, in which it decided that one of the objectives of the World Conference on Human Rights of 1993 would be to examine the relation between development and the enjoyment of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy those rights,

Taking into account the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 36/

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Expressing its particular concern about the progressive worsening of living conditions in the developing world and the negative impact thereof on the full enjoyment of human rights, and especially about the very serious economic situation of the African continent and the disastrous effects of the heavy burden of the external debt for the peoples of Africa, Asia and Latin America,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights,

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36/ A/44/551-S/20870, annex.

Deeply convinced that today more than ever, economic and social development and human rights are complementary elements leading to the same goal, that is, the maintenance of peace and justice among nations as the foundation for the ideals of freedom and well-being to which mankind aspires,

Reiterating that cooperation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international cooperation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

1. Reiterates its request that the Commission on Human Rights should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and ideas set forth in General Assembly resolution 32/130;

2. Affirms that a primary aim of international cooperation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. Reaffirms that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. Reiterates once again that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

5. Considers that the issues previously mentioned in paragraph 4 above should be approached with due attention in the preparatory work for the World Conference on Human Rights so as to evaluate during the Conference the obstacles to achieving progress in the field of human rights;

6. Reaffirms that the right to development is an inalienable human right;

7. Reaffirms also that international peace and security are essential elements for achieving full realization of the right to development;

8. Recognizes that all human rights and fundamental freedoms are indivisible and interdependent;

9. Considers it necessary for all Member States to promote international cooperation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems;

10. Urges all States to cooperate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

11. Reaffirms once again that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, entailing a restructuring of existing international economic relations;

12. Decides that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

13. Decides to continue its consideration of this question at its forty-seventh session.

DRAFT RESOLUTION IX

Strengthening of the Centre for Human Rights

The General Assembly,

Recalling its resolutions 44/135 of 15 December 1989 and 45/180 of 21 December 1990,

Bearing in mind Commission on Human Rights resolutions 1989/46 of 6 March 1989, 15/ 1990/25 of 27 February 1990 21/ and 1991/23 of 5 March 1991, 11/ as well as Economic and Social Council resolutions 1990/47 of 25 May 1990 and 191/36 of 31 May 1991,

Recalling also its resolution 45/248 B of 21 December 1990 and, in particular, section VI,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and an issue of the utmost importance for the Organization,

Recalling that the Secretary-General in his report on the work of the Organization for 1991 stated that the protection of human rights has now become one of the keystones in the arch of peace, 37/

Recognizing the important role of the Centre for Human Rights in the promotion, protection and implementation of human rights and the need to provide sufficient human resources to the Centre, particularly in view of the fact that its workload has greatly increased, while resources have failed to keep pace with the expansion of its responsibilities, 38/

Having considered the report of the Secretary-General 39/ and noting that, while increased resources were accorded by the General Assembly at its forty-fifth session in response to the critical situation faced by the Centre for Human Rights in 1991, since then, the workload of the Centre, inter alia, by reasons of decisions of intergovernmental and expert bodies, has continued to increase in response to strongly felt international concerns,

Noting also that the Centre for Human Rights has been requested by the Commission on Human Rights and the Economic and Social Council to carry out additional mandates after the preparation of the proposed programme budget for the biennium 1992-1993,

1. Emphasizes that, in reviewing the proposed programme budget for the biennium 1992-1993, adequate staffing, temporary assistance and other resources should be allocated to the Centre for Human Rights so as to enable it to respond to its increasing workload and to cover its needs in order to carry out all the functions assigned to it, including the preparations for the World Conference on Human Rights and the Conference itself;

2. Requests the Secretary-General to ensure that sufficient resources are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, all the mandates, including the additional ones, on the basis of the decisions of intergovernmental and expert bodies;

37/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 1 (A/46/1), sect. VI.

38/ See E/1990/50.

39/ A/46/603.

3. Also requests the Secretary-General to submit an interim report to the Commission on Human Rights at its forty-eighth session and a final report to the General Assembly at its forty-seventh session on the developments relating to the activities of the Centre for Human Rights and on the measures taken to implement the present resolution.

DRAFT RESOLUTION X

The protection of persons with mental illness and the improvement of mental health care

The General Assembly,

Mindful of the provisions of the Universal Declaration of Human Rights, 7/ the International Covenant on Civil and Political Rights, 26/ the International Covenant on Economic, Social and Cultural Rights 26/ and other relevant instruments, such as the Declaration on the Rights of Disabled Persons 40/ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 41/

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to urge the Subcommission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolution 45/92 of 14 December 1990, in which it welcomed the progress made by the working group on the Commission on Human Rights in elaborating a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care on the basis of a draft submitted to the Commission by the Subcommission on Prevention of Discrimination and Protection of Minorities,

Taking note of Commission on Human Rights resolution 1991/46 of 5 March 1991, 11/ in which the Commission endorsed the draft body of principles that had been submitted to it by the working group and decided to transmit it, as well as the report of the working group, to the General Assembly, through the Economic and Social Council,

Taking note also of Economic and Social Council resolution 1991/29 of 31 May 1991, in which the Council decided to submit the draft body of principles and the report of the working group to the General Assembly,

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40/ Resolution 3447 (XXX).

41/ Resolution 43/173 annex.

Taking note further of the recommendations of the Commission on Human Rights in its resolution 1991/46 and of the Economic and Social Council in its resolution 1991/29 that, on the adoption by the General Assembly of the draft body of principles, the full text thereof should be given the widest possible dissemination and that the introduction should at the same time be published as an accompanying document for the benefit of Governments and the public at large,

Taking note further of the note by the Secretary-General, 42/ which in its annex contains the draft body of principles and the introduction to the body of principles,

1. Adopts the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, the text of which is contained in the annex to the present resolution;

2. Requests the Secretary-General to include the text of the body of Principles, together with the introduction, in the next edition of "Human Rights - A Compilation of International Instruments";

3. Requests the Secretary-General to give the widest possible dissemination of the body of Principles and to ensure that the introduction is published at the same time as an accompanying document for the benefit of Governments and the public at large.

ANNEX

Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care

Application

These Principles shall be applied without discrimination of any kind such as on grounds of disability, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, legal or social status, age, property or birth.

Definitions

In these Principles:

"Counsel" means a legal or other qualified representative;

"Independent authority" means a competent and independent authority prescribed by domestic law;

42/ A/46/421.

"Mental health care" includes analysis and diagnosis of a person's mental condition, and treatment, care and rehabilitation for a mental illness or suspected mental illness;

"Mental health facility" means any establishment, or any unit of an establishment, which as its primary function provides mental health care;

"Mental health practitioner" means a medical doctor, clinical psychologist, nurse, social worker or other appropriately trained and qualified person with specific skills relevant to mental health care;

"Patient" means a person receiving mental health care and includes all persons who are admitted to a mental health facility;

"Personal representative" means a person charged by law with the duty of representing a patient's interests in any specified respect or of exercising specified rights on the patient's behalf, and includes the parent or legal guardian of a minor unless otherwise provided by domestic law;

"The review body" means the body established in accordance with Principle 17 to review the involuntary admission or retention of a patient in a mental health facility.

General limitation clause

The exercise of the rights set forth in these Principles may be subject only to such limitations as are prescribed by law and are necessary to protect the health or safety of the person concerned or of others, or otherwise to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Principle 1

Fundamental freedoms and basic rights

1. All persons have the right to the best available mental health care, which shall be part of the health and social care system.

2. All persons with a mental illness, or who are being treated as such persons, shall be treated with humanity and respect for the inherent dignity of the human person.

3. All persons with a mental illness, or who are being treated as such persons, have the right to protection from economic, sexual and other forms of exploitation, physical or other abuse and degrading treatment.

4. There shall be no discrimination on the grounds of mental illness. "Discrimination" means any distinction, exclusion or preference that has the effect of nullifying or impairing equal enjoyment of rights. Special measures solely to protect the rights, or secure the advancement, of persons with mental illness shall not be deemed to be discriminatory. Discrimination does not include any distinction, exclusion or preference undertaken in accordance with the provisions of these Principles and necessary to protect the human rights of a person with a mental illness or of other individuals.

5. Every person with a mental illness shall have the right to exercise all civil, political, economic, social and cultural rights as recognized in the Universal Declaration of Human Rights, 7/ the International Covenant on Economic, Social and Cultural Rights, 26/ the International Covenant on Civil and Political Rights 26/ and in other relevant instruments, such as the Declaration on the Rights of Disabled Persons 40/ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. 41/

6. Any decision that, by reason of his or her mental illness, a person lacks legal capacity, and any decision that, in consequence of such incapacity, a personal representative shall be appointed, shall be made only after a fair hearing by an independent and impartial tribunal established by domestic law. The person whose capacity is in issue shall be entitled to be represented by a counsel. If the person whose capacity is at issue does not himself or herself secure such representation, it shall be made available without payment by that person to the extent that he or she does not have sufficient means to pay for it. The counsel shall not in the same proceedings represent a mental health facility or its personnel and shall not also represent a member of the family of the person whose capacity is at issue unless the tribunal is satisfied that there is no conflict of interest. Decisions regarding capacity and the need for a personal representative shall be reviewed at reasonable intervals prescribed by domestic law. The person whose capacity is at issue, his or her personal representative, if any, and any other interested person shall have the right to appeal to a higher court against any such decision.

7. Where a court or other competent tribunal finds that a person with mental illness is unable to manage his or her own affairs, measures shall be taken, so far as is necessary and appropriate to that person's condition, to ensure the protection of his or her interests.

Principle 2

Protection of minors

Special care should be given within the purposes of these Principles and within the context of domestic law relating to the protection of minors to protect the rights of minors, including, if necessary, the appointment of a personal representative other than a family member.

Principle 3

Life in the community

Every person with a mental illness shall have the right to live and work, as far as possible, in the community.

Principle 4

Determination of mental illness

1. A determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards.

2. A determination of mental illness shall never be made on the basis of political, economic or social status, or membership of a cultural, racial or religious group, or any other reason not directly relevant to mental health status.

3. Family or professional conflict, or non-conformity with moral, social, cultural or political values or religious beliefs prevailing in a person's community, shall never be a determining factor in diagnosing mental illness.

4. A background of past treatment or hospitalization as a patient shall not of itself justify any present or future determination of mental illness.

5. No person or authority shall classify a person as having, or otherwise indicate that a person has, a mental illness except for purposes directly relating to mental illness or the consequences of mental illness.

Principle 5

Medical examination

No person shall be compelled to undergo medical examination with a view to determining whether or not he or she has a mental illness except in accordance with a procedure authorized by domestic law.

Principle 6

Confidentiality

The right of confidentiality of information concerning all persons to whom these Principles apply shall be respected.

Principle 7

Role of community and culture

1. Every patient shall have the right to be treated and cared for, as far as possible, in the community in which he or she lives.

2. Where treatment takes place in a mental health facility, a patient shall have the right, whenever possible, to be treated near his or her home or the home of his or her relatives or friends and shall have the right to return to the community as soon as possible.

3. Every patient shall have the right to treatment suited to his or her cultural background.

Principle 8

Standards of care

1. Every patient shall have the right to receive such health and social care as is appropriate to his or her health needs, and is entitled to care and treatment in accordance with the same standards as other ill persons.

2. Every patient shall be protected from harm, including unjustified medication, abuse by other patients, staff or others or other acts causing mental distress or physical discomfort.

Principle 9

Treatment

1. Every patient shall have the right to be treated in the least restrictive environment and with the least restrictive or intrusive treatment appropriate to the patient's health needs and the need to protect the physical safety of others.

2. The treatment and care of every patient shall be based on an individually prescribed plan, discussed with the patient, reviewed regularly, revised as necessary and provided by qualified professional staff.

3. Mental health care shall always be provided in accordance with applicable standards of ethics for mental health practitioners, including internationally accepted standards such as the Principles of Medical Ethics adopted by the United Nations General Assembly. Mental health knowledge and skills shall never be abused.

4. The treatment of every patient shall be directed towards preserving and enhancing personal autonomy.

Principle 10

Medication

1. Medication shall meet the best health needs of the patient, shall be given to a patient only for therapeutic or diagnostic purposes and shall never be administered as a punishment or for the convenience of others. Subject to the provisions of paragraph 15 of Principle 11, mental health practitioners shall only administer medication of known or demonstrated efficacy.

2. All medication shall be prescribed by a mental health practitioner authorized by law and shall be recorded in the patient's records.

Principle 11

Consent to treatment

1. No treatment shall be given to a patient without his or her informed consent, except as provided for in paragraphs 6, 7, 8, 13 and 15 below.

2. Informed consent is consent obtained freely, without threats or improper inducements, after appropriate disclosure to the patient of adequate and understandable information in a form and language understood by the patient on:

(a) The diagnostic assessment;

(b) The purpose, method, likely duration and expected benefit of the proposed treatment;

(c) Alternative modes of treatment, including those less intrusive; and

(d) Possible pain or discomfort, risks and side-effects of the proposed treatment.

3. A patient may request the presence of a person or persons of the patient's choosing during the procedure for granting consent.

4. A patient has the right to refuse or stop treatment, except as provided for in paragraphs 6, 7, 8, 13 and 15 below. The consequences of refusing or stopping treatment must be explained to the patient.

5. A patient shall never be invited or induced to waive the right to informed consent. If the patient should seek to do so, it shall be explained to the patient that the treatment cannot be given without informed consent.

6. Except as provided in paragraphs 7, 8, 12, 13, 14 and 15 below, a proposed plan of treatment may be given to a patient without a patient's informed consent if the following conditions are satisfied:

(a) The patient is, at the relevant time, held as an involuntary patient;

(b) An independent authority, having in its possession all relevant information, including the information specified in paragraph 2 above, is satisfied that, at the relevant time, the patient lacks the capacity to give or withhold informed consent to the proposed plan of treatment or, if domestic legislation so provides, that, having regard to the patient's own safety or the safety of others, the patient unreasonably withholds such consent; and

(c) The independent authority is satisfied that the proposed plan of treatment is in the best interest of the patient's health needs.

7. Paragraph 6 above does not apply to a patient with a personal representative empowered by law to consent to treatment for the patient; but, except as provided in paragraphs 12, 13, 14 and 15 below, treatment may be given to such a patient without his or her informed consent if the personal representative, having been given the information described in paragraph 2 above, consents on the patient's behalf.

8. Except as provided in paragraphs 12, 13, 14 and 15 below, treatment may also be given to any patient without the patient's informed consent if a qualified mental health practitioner authorized by law determines that it is urgently necessary in order to prevent immediate or imminent harm to the patient or to other persons. Such treatment shall not be prolonged beyond the period that is strictly necessary for this purpose.

9. Where any treatment is authorized without the patient's informed consent, every effort shall nevertheless be made to inform the patient about the nature of the treatment and any possible alternatives and to involve the patient as far as practicable in the development of the treatment plan.

10. All treatment shall be immediately recorded in the patient's medical records, with an indication of whether involuntary or voluntary.

11. Physical restraint or involuntary seclusion of a patient shall not be employed except in accordance with the officially approved procedures of the mental health facility and only when it is the only means available to prevent immediate or imminent harm to the patient or others. It shall not be prolonged beyond the period which is strictly necessary for this purpose. All instances of physical restraint or involuntary seclusion, the reasons for them and their nature and extent shall be recorded in the patient's medical record. A patient who is restrained or secluded shall be kept under humane conditions and be under the care and close and regular supervision of qualified members of the staff. A personal representative, if any and if relevant, shall be given prompt notice of any physical restraint or involuntary seclusion of the patient.

12. Sterilization shall never be carried out as a treatment for mental illness.

13. A major medical or surgical procedure may be carried out on a person with mental illness only where it is permitted by domestic law, where it is considered that it would best serve the health needs of the patient and where the patient gives informed consent, except that, where the patient is unable to give informed consent, the procedure shall be authorized only after independent review.

14. Psychosurgery and other intrusive and irreversible treatments for mental illness shall never be carried out on a patient who is an involuntary patient in a mental health facility and, to the extent that domestic law permits them to be carried out, they may be carried out on any other patient only where the patient has given informed consent and an independent external body has satisfied itself that there is genuine informed consent and that the treatment best serves the health needs of the patient.

15. Clinical trials and experimental treatment shall never be carried out on any patient without informed consent, except that a patient who is unable to give informed consent may be admitted to a clinical trial or given experimental treatment, but only with the approval of a competent, independent review body specifically constituted for this purpose.

16. In the cases specified in paragraphs 6, 7, 8, 13, 14 and 15 above, the patient or his or her personal representative, or any interested person, shall have the right to appeal to a judicial or other independent authority concerning any treatment given to him or her.

Principle 12

Notice of rights

1. A patient in a mental health facility shall be informed as soon as possible after admission, in a form and a language which the patient understands, of all his or her rights in accordance with these Principles and under domestic law, which information shall include an explanation of those rights and how to exercise them.

2. If and for so long as a patient is unable to understand such information, the rights of the patient shall be communicated to the personal representative, if any and if appropriate, and to the person or persons best able to represent the patient's interests and willing to do so.

3. A patient who has the necessary capacity has the right to nominate a person who should be informed on his or her behalf, as well as a person to represent his or her interests to the authorities of the facility.

Principle 13

Rights and conditions in mental health facilities

1. Every patient in a mental health facility shall, in particular, have the right to full respect for his or her:

(a) Recognition everywhere as a person before the law;

(b) Privacy;

(c) Freedom of communication, which includes freedom to communicate with other persons in the facility; freedom to send and receive uncensored private communications; freedom to receive, in private, visits from a counsel or personal representative and, at all reasonable times, from other visitors; and freedom of access to postal and telephone services and to newspapers, radio and television;

(d) Freedom of religion or belief.

2. The environment and living conditions in mental health facilities shall be as close as possible to those of the normal life of persons of similar age and in particular shall include:

(a) Facilities for recreational and leisure activities;

(b) Facilities for education;

(c) Facilities to purchase or receive items for daily living, recreation and communication;

(d) Facilities, and encouragement to use such facilities, for a patient's engagement in active occupation suited to his or her social and cultural background, and for appropriate vocational rehabilitation measures to promote reintegration in the community. These measures should include vocational guidance, vocational training and placement services to enable patients to secure or retain employment in the community.

3. In no circumstances shall a patient be subject to forced labour. Within the limits compatible with the needs of the patient and with the requirements of institutional administration, a patient shall be able to choose the type of work he or she wishes to perform.

4. The labour of a patient in a mental health facility shall not be exploited. Every such patient shall have the right to receive the same remuneration for any work which he or she does as would, according to domestic law or custom, be paid for such work to a non-patient. Every such patient shall, in any event, have the right to receive a fair share of any remuneration which is paid to the mental health facility for his or her work.

Principle 14

Resources for mental health facilities

1. A mental health facility shall have access to the same level of resources as any other health establishment, and in particular:

(a) Qualified medical and other appropriate professional staff in sufficient numbers and with adequate space to provide each patient with privacy and a programme of appropriate and active therapy;

(b) Diagnostic and therapeutic equipment for the patient;

(c) Appropriate professional care; and

(d) Adequate, regular and comprehensive treatment, including supplies of medication.

2. Every mental health facility shall be inspected by the competent authorities with sufficient frequency to ensure that the conditions, treatment and care of patients comply with these Principles.

Principle 15

Admission principles

1. Where a person needs treatment in a mental health facility, every effort shall be made to avoid involuntary admission.

2. Access to a mental health facility shall be administered in the same way as access to any other facility for any other illness.

3. Every patient not admitted involuntarily shall have the right to leave the mental health facility at any time unless the criteria for his or her retention as an involuntary patient, as set forth in Principle 16, apply, and he or she shall be informed of that right.

Principle 16

Involuntary admission

1. A person may (a) be admitted involuntarily to a mental health facility as a patient; or (b) having already been admitted voluntarily as a patient, be retained as an involuntary patient in the mental health facility if, and only if, a qualified mental health practitioner authorized by law for that purpose determines, in accordance with Principle 4, that that person has a mental illness and considers:

(a) That, because of that mental illness, there is a serious likelihood of immediate or imminent harm to that person or to other persons; or

(b) That, in the case of a person whose mental illness is severe and whose judgement is impaired, failure to admit or retain that person is likely to lead to a serious deterioration in his or her condition or will prevent the giving of appropriate treatment that can only be given by admission to a mental health facility in accordance with the principle of the least restrictive alternative.

In the case referred to in subparagraph (b), a second such mental health practitioner, independent of the first, should be consulted where possible. If such consultation takes place, the involuntary admission or retention may not take place unless the second mental health practitioner concurs.

2. Involuntary admission or retention shall initially be for a short period as specified by domestic law for observation and preliminary treatment pending review of the admission or retention by the review body. The grounds of the admission shall be communicated to the patient without delay and the fact of the admission and the grounds for it shall also be communicated promptly and in detail to the review body, to the patient's personal representative, if any, and, unless the patient objects, to the patient's family.

3. A mental health facility may receive involuntarily admitted patients only if the facility has been designated to do so by a competent authority prescribed by domestic law.

Principle 17

Review body

1. The review body shall be a judicial or other independent and impartial body established by domestic law and functioning in accordance with procedures laid down by domestic law. It shall, in formulating its decisions, have the assistance of one or more qualified and independent mental health practitioners and take their advice into account.

2. The review body's initial review, as required by paragraph 2 of Principle 16, of a decision to admit or retain a person as an involuntary patient shall take place as soon as possible after that decision and shall be conducted in accordance with simple and expeditious procedures as specified by domestic law.

3. The review body shall periodically review the cases of involuntary patients at reasonable intervals as specified by domestic law.

4. An involuntary patient may apply to the review body for release or voluntary status, at reasonable intervals as specified by domestic law.

5. At each review, the review body shall consider whether the criteria for involuntary admission set out in paragraph 1 of Principle 16 are still satisfied, and, if not, the patient shall be discharged as an involuntary patient.

6. If at any time the mental health practitioner responsible for the case is satisfied that the conditions for the retention of a person as an involuntary patient are no longer satisfied, he or she shall order the discharge of that person as such a patient.

7. A patient or his personal representative or any interested person shall have the right to appeal to a higher court against a decision that the patient be admitted to, or be retained in, a mental health facility.

Principle 18

Procedural safeguards

1. The patient shall be entitled to choose and appoint a counsel to represent the patient as such, including representation in any complaint procedure or appeal. If the patient does not secure such services, a counsel shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.

2. The patient shall also be entitled to the assistance, if necessary, of the services of an interpreter. Where such services are necessary and the patient does not secure them, they shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.

3. The patient and the patient's counsel may request and produce at any hearing an independent mental health report and any other reports and oral, written and other evidence that are relevant and admissible.

4. Copies of the patient's records and any reports and documents to be submitted shall be given to the patient and to the patient's counsel, except in special cases where it is determined that a specific disclosure to the patient would cause serious harm to the patient's health or put at risk the safety of others. As domestic law may provide, any document not given to the patient should, when this can be done in confidence, be given to the patient's personal representative and counsel. When any part of a document is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and shall be subject to judicial review.

5. The patient and the patient's personal representative and counsel shall be entitled to attend, participate and be heard personally in any hearing.

6. If the patient or the patient's personal representative or counsel requests that a particular person be present at a hearing, that person shall

be admitted unless it is determined that the person's presence could cause serious harm to the patient's health or put at risk the safety of others.

7. Any decision whether the hearing or any part of it shall be in public or in private and may be publicly reported shall give full consideration to the patient's own wishes, to the need to respect the privacy of the patient and of other persons and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.

8. The decision arising out of the hearing and the reasons for it shall be expressed in writing. Copies shall be given to the patient and his or her personal representative and counsel. In deciding whether the decision shall be published in whole or in part, full consideration shall be given to the patient's own wishes, to the need to respect his or her privacy and that of other persons, to the public interest in the open administration of justice and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.

Principle 19

Access to information

1. A patient (which term in this Principle includes a former patient) shall be entitled to have access to the information concerning the patient in his or her health and personal records maintained by a mental health facility. This right may be subject to restrictions in order to prevent serious harm to the patient's health and avoid putting at risk the safety of others. As domestic law may provide, any such information not given to the patient should, when this can be done in confidence, be given to the patient's personal representative and counsel. When any of the information is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and it shall be subject to judicial review.

2. Any written comments by the patient or the patient's personal representative or counsel shall, on request, be inserted in the patient's file.

Principle 20

Criminal offenders

1. This Principle applies to persons serving sentences of imprisonment for criminal offences, or who are otherwise detained in the course of criminal proceedings or investigations against them, and who are determined to have a mental illness or who it is believed may have such an illness.

2. All such persons should receive the best available mental health care as provided in Principle 1. These Principles shall apply to them to the fullest

extent possible, with only such limited modifications and exceptions as are necessary in the circumstances. No such modifications and exceptions shall prejudice the persons' rights under the instruments noted in paragraph 5 of Principle 1.

3. Domestic law may authorize a court or other competent authority, acting on the basis of competent and independent medical advice, to order that such persons be admitted to a mental health facility.

4. Treatment of persons determined to have a mental illness shall in all circumstances be consistent with Principle 11.

Principle 21

Complaints

Every patient and former patient shall have the right to make a complaint through procedures as specified by domestic law.

Principle 22

Monitoring and remedies

States shall ensure that appropriate mechanisms are in force to promote compliance with these Principles, for the inspection of mental health facilities, for the submission, investigation and resolution of complaints and for the institution of appropriate disciplinary or judicial proceedings for professional misconduct or violation of the rights of a patient.

Principle 23

Implementation

1. States should implement these Principles through appropriate legislative, judicial, administrative, educational and other measures, which they shall review periodically.

2. States shall make these Principles widely known by appropriate and active means.

Principle 24

Scope of principles relating to mental health facilities

These Principles apply to all persons who are admitted to a mental health facility.

Principle 25

Saving of existing rights

There shall be no restriction upon or derogation from any existing rights of patients, including rights recognized in applicable international or domestic law, on the pretext that these Principles do not recognize such rights or that they recognize them to a lesser extent.

DRAFT RESOLUTION XI

Human rights in the administration of justice

The General Assembly,

Recalling its resolution 45/166 of 18 December 1990,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 7/ and the relevant provisions of the International Covenant on Civil and Political Rights 26/ and its Optional Protocols, 28/ in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 9/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 20/

Calling attention to the numerous international standards in the field of administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 41/ to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 43/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 44/ as well as to the Basic Principles on the Independence of the Judiciary, 45/ the Basic Principles on the Role of Lawyers, the Model Agreement on the Transfer of Foreign Prisoners and

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43/ Resolution 40/34, annex.

44/ Economic and Social Council resolution 1984/50, annex.

45/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

recommendations on the treatment of foreign prisoners, 46/ as well as the Code of Conduct for Law Enforcement Officials, 47/ the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Standard Minimum Rules for the Treatment of Prisoners, 48/

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1991/34 of 5 March 1991 on human rights in the administration of justice, 1991/39 of 5 March 1991 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1991/43 of 5 March 1991 on the right to a fair trial and 1991/71 of 6 March 1991 on summary or arbitrary executions, 11/

Welcoming Commission on Human Rights resolutions 1991/31 of 5 March 1991 on human rights and thematic procedures, 1991/42 of 5 March 1991 on the question of arbitrary detention and 1991/70 of 6 March 1991 on cooperation with representatives of United Nations human rights bodies, 11/

Also welcoming Commission on Human Rights resolution 1991/41 of 5 March 1991, 11/ establishing an inter-sessional working group to finalize the draft declaration on the protection of all persons from enforced or involuntary disappearances, and inviting the Commission to consider the revised draft declaration as a matter of high priority at its forty-eighth session,

Further welcoming the recommendations contained in the first report of Mr. Louis Joinet on strengthening the independence of judges and lawyers 49/ and endorsed by the Subcommission on Prevention of Discrimination and Protection of Minorities in its resolution 1991/35, including those on planning and organizing advisory services and technical assistance, and also welcoming the decision of the Subcommission to entrust Mr. Joinet with the preparation of a further report,

Also welcoming further progress achieved by the Subcommission on the subject of compensation for victims of gross violations of human rights and Subcommission resolution 1991/25,

Recalling the standards unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders and the

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46/ Ibid., sect D.1.

47/ Resolution 34/169, annex.

48/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

49/ E/CN.4/Sub.2/1991/30.

recommendations made with a view to ensuring more effective applications of existing standards, and recalling also its invitation to Governments to respect these standards and to take them into account within the framework of their national legislation and practice,

Recognizing the significant work accomplished in this area under the United Nations crime prevention and criminal justices programmes,

Reaffirming the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Underlining the need for further coordinated and concerted action in promoting respect for human rights in the field of administration of justice,

1. Reaffirms the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice;

2. Once again calls upon all States to pay due attention to these norms and standards in developing national and regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of these norms and standards;

3. Calls upon all States to ensure the widest possible dissemination of the texts of international instruments in this field;

4. Endorses Economic and Social Council resolution 1991/15 of 30 May 1991 on the implementation of United Nations standards and norms in crime prevention and criminal justice;

5. Recalls its resolution 45/155 of 18 December 1990 and Commission on Human Rights resolution 1991/30 of 5 March 1991 recommending that the Preparatory Committee of the World Conference should pay particular attention to the effective implementation of existing standards and instruments in the field of human rights;

6. Welcomes Commission on Human Rights resolution 1991/42, by which the Commission created a five-member working group to investigate cases of arbitrary detention, and requests the Secretary-General to provide all necessary resources to the working group, taking into account its important and broad mandate;

7. Requests the Secretary-General:

(a) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services of the Centre for Human Rights;

(b) To continue to provide all necessary support to United Nations bodies working on the promotion and protection of human rights and on international standard-setting in this field;

(c) To ensure the widest possible dissemination of the texts of the international instruments in this field, including those adopted unanimously by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to include the respective relevant texts in the next edition of the United Nations publication Human Rights: A Compilation of International Instruments;

(d) To continue to coordinate activities in the field of human rights in the administration of justice, including the various technical advisory services carried out by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs, with a view to undertaking joint programmes and strengthening existing mechanisms;

8. Emphasizes the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

9. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

DRAFT RESOLUTION XII

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 7/ the International Covenant on Civil and Political Rights 26/ and the International Covenant on Economic, Social and Cultural Rights, 26/ and other international instruments concerning human rights adopted by the United Nations,

Recalling its resolutions 44/212 of 22 December 1989, 44/148 of 15 December 1989 and other relevant resolutions,

Bearing in mind resolution 1991/14 of the Commission on Human Rights, 11/ whereby the Commission drew its attention to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights,

Recalling resolution 45/199 of 21 December 1990, which proclaims the Fourth United Nations Development Decade, one of the main characteristics of the Decade being the search for a significant reduction in extreme poverty and a shared responsibility of all countries,

Recognizing that extreme poverty is a violation of human dignity and could constitute a threat to the right to life,

Deeply concerned at the steady increase in extreme poverty in the world and at its effect on the most vulnerable groups of society, which are thus prevented from exercising their human rights and fundamental freedoms,

Aware of the need for a better understanding of the causes of extreme poverty,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing that the grave suffering of the great majority of human beings who live in conditions of extreme poverty demands the immediate attention of the international community and the adoption of concrete measures for the elimination of extreme poverty and social exclusion,

1. Affirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international measures are therefore required to eliminate them;

2. Stresses the need for an in-depth and complete study of the nature of the phenomenon of extreme poverty which affects mankind;

3. Requests the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the conditions in which the poorest themselves can convey their experience and so contribute to a better understanding of their situation of social exclusion;

4. Again requests States, the specialized agencies and United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem;

5. Takes note with appreciation of the concrete measures taken by the United Nations Children's Fund to lessen the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for a means of alleviating poverty within the framework of the relevant resolutions;

6. Decides to continue the consideration of this question at its forty-seventh session in connection with the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION XIII

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The General Assembly,

Recalling Economic and Social Council decisions 16 (LVI) and 17 (LVI) of 17 May 1974, by which it authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish a Working Group on Slavery, renamed the Working Group on Contemporary Forms of Slavery by the Commission on Human Rights in its resolution 1988/42 of 8 March 1988, 50/

Taking note of Commission on Human Rights resolution 1991/58 of 6 March 1991, 11/ on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of Economic and Social Council resolution 1991/34 of 31 May 1991, by which it requested the General Assembly to establish a voluntary fund on contemporary forms of slavery,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

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50/ Official Records of the Economic and Social Council, 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

Convinced that the establishment of a voluntary trust fund on contemporary forms of slavery would constitute a significant development for the protection of human rights of victims of contemporary forms of slavery,

1. Decides to establish a voluntary trust fund in accordance with the following criteria:

(a) The name of the fund shall be the United Nations Trust Fund on Contemporary Forms of Slavery;

(b) The purposes of the Fund shall be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery;

(c) Funding shall take place by means of voluntary contributions from Governments, non governmental organizations and other private or public entities;

(d) The only types of activity to be supported by the Fund are those described in subparagraph (b) above;

(e) The only beneficiaries from the Fund shall be:

(i) Representatives from non-governmental organizations dealing with issues of contemporary forms of slavery:

a. Who are so considered by the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery, described in subparagraph (f) below;

b. Who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund;

c. Who would be able to contribute to a deeper knowledge on the part of the Working Group of the problems relating to contemporary forms of slavery;

(ii) Individuals whose human rights have been severely violated as a result of contemporary forms of slavery and who are so considered by the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery;

(f) The Fund shall be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a Board of Trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who will serve in their personal capacity; the members of the Board of Trustees shall be appointed by the Secretary-General for a three-year term renewable in consultation with the current Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard to equitable geographical distribution;

2. Appeals to all Governments to respond favourably to requests for contributions to the Fund.

DRAFT RESOLUTION XIV

Right to development

The General Assembly,

Recalling the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development, 51/

Recalling its resolution 45/97 of 14 December 1990, and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1991/15 of 22 February 1991, 11/

Recalling also the report on the Global Consultation on the Realization of the Right to Development as a Human Right, 52/

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that the Commission on Human Rights has entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Recalling its resolution 45/155 of 18 December 1990, in which it decided, inter alia, that one of the objectives of the 1993 World Conference on Human Rights would be to examine the relation between development and the enjoyment

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51/ Resolution 41/128, annex.

52/ E/CN.4/1990/9/Rev.1.

by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights, 26/

Having considered the comprehensive report of the Secretary-General prepared pursuant to General Assembly resolution 45/97, 53/

1. Reaffirms the importance of the right to development for all countries, in particular the developing countries;

2. Takes note with interest of the comprehensive report of the Secretary-General prepared in accordance with General Assembly resolution 45/97;

3. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-eighth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-seventh session of the Commission as well as any further comments and suggestions that may be submitted on the basis of paragraph 3 of Commission resolution 1990/18 of 23 February 1990; 21/

4. Reiterates the need for a continuing evaluating mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

5. Requests the Office of the Director-General for Development and International Economic Cooperation and the Centre for Human Rights of the Secretariat to continue coordination of the various activities with regard to the implementation of the Declaration;

6. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

7. Urges also the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking agreement on arrangements for the implementation of the Declaration through international cooperation;

8. Requests the Secretary-General to inform the Commission on Human Rights at its forty-eighth session and the General Assembly at its forty-seventh session of the activities of the organizations of the United Nations system on the implementation of the Declaration;

53/ E/CN.4/1991/12 and Add.1.

9. Calls upon the Commission to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusions and recommendations of the Global Consultation and replies contained in the report of the Secretary-General prepared in accordance with the relevant decisions of the Commission and the General Assembly;

10. Endorses the call of the Commission to the Preparatory Committee for the World Conference on Human Rights to take fully into account the Declaration in examining the relationship between development and the enjoyment of human rights;

11. Decides to consider this question at its forty-seventh session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION XV

National institutions for the protection and promotion of human rights

The General Assembly,

Recalling the relevant resolutions concerning national institutions for the protection and promotion of human rights, notably its resolution 41/129 of 4 December 1986 and Commission on Human Rights resolutions 1987/40 of 10 March 1987, 1988/72 of 10 March 1988, 1989/52 of 7 March 1989 and 1990/73 of 7 March 1990, and taking note of Commission resolution 1991/27 of 5 March 1991, 11/

Emphasizing the importance of the Universal Declaration of Human Rights, 7/ the International Covenants on Human Rights 26/ and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the significant role that institutions at the national level can play in protecting and promoting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations can play a catalytic role in assisting the development of national institutions by acting as a clearing-house for the exchange of information and experience,

Mindful in this regard of the guidelines on the structure and functioning of national and local institutions for the protection and promotion of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978,

Recalling the recommendations contained in General Assembly resolution 45/155 of 18 December 1990 and Commission on Human Rights resolution 1991/30 of 5 March 1991 11/ inviting the Preparatory Committee for the World Conference on Human Rights to examine ways and means by which the World Conference could encourage the establishment or strengthening of national institutions,

Noting the diverse approaches adopted throughout the world for the protection and promotion of human rights at the national level, and recognizing the value of such approaches to promote universal respect for, and observance of, human rights and fundamental freedoms,

1. Takes note with satisfaction of the updated report of the Secretary-General on national institutions for the protection and promotion of human rights, prepared in accordance with General Assembly resolution 44/64 of 8 December 1989; 54/

2. Reaffirms the importance of development, in accordance with national legislation, effective national institutions for the protection and promotion of human rights and of maintaining their independence and integrity;

3. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the protection and promotion of human rights and to incorporate those elements in national development plans;

4. Takes note of the progress made in this area in the past few years and of the increased number and effectiveness of national institutions for the promotion and protection of human rights in all parts of the world;

5. Notes the efforts of the Centre for Human Rights of the Secretariat to increase cooperation with regional and national institutions;

6. Encourages initiatives on the part of Governments and regional, international, intergovernmental and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist;

7. Requests the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance, public information and education in the field of human rights;

54/ E/CN.4/1991/23 and Add.1.

8. Also requests the Centre for Human Rights to establish, upon the request of States concerned, United Nations centres for human rights documentation and training, and to do so on the basis of established procedures for the use of available resources within the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights;

9. Requests the Secretary-General to respond favourably to requests from Member States for assistance in the establishment and strengthening of national institutions for the protection and promotion of human rights as part of the programme of advisory services and technical cooperation in the field of human rights, as well as national centres for human rights documentation and training;

10. Encourages all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and operation of such national institutions;

11. Affirms the role of national institutions as agencies for the dissemination of human rights materials and other public information activities prepared or organized under the auspices of the United Nations;

12. Recognizes the constructive role that non-governmental organizations can play in relation to national institutions;

13. Welcomes the convening of a workshop on this subject by the Centre for Human Rights in Paris in October 1991, as was requested in Commission on Human Rights resolution 1990/73;

14. Requests the Secretary-General to forward the results of that meeting to the Commission on Human Rights;

15. Also requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

DRAFT RESOLUTION XVI

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 45/165 of 18 December 1990 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence of the practice of enforced disappearances in the world, and about the fact that, in certain cases, the families of disappeared persons have been the target of intimidation and ill-treatment,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Concerned by the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Recalling that the Working Group on Enforced or Involuntary Disappearances has referred on several occasions in its reports to the importance of drafting a declaration to enable it to fulfil its task properly,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Bearing in mind Commission on Human Rights resolution 1991/41 of 5 March 1991, 11/

1. Notes with satisfaction that the open-ended working group established by Commission on Human Rights resolution 1991/41 has completed its consideration of the draft declaration on the protection of all persons from enforced or involuntary disappearances, 55/ which will be transmitted to the Commission on Human Rights for adoption at its forty-eighth session;

2. Requests the Commission on Human Rights to give this question high priority at its forty-eighth session;

3. Appeals to Governments to take appropriate steps to prevent and suppress the practice of enforced disappearances and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and thanks those Governments that have cooperated with it;

5. Welcomes the decision made by the Commission on Human Rights at its forty-sixth session to extend for two years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

6. Appeals to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to cooperate fully with it so as to enable it, with respect for its working

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55/ E/CN.4/Sub.2/1990/32, annex.

methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them;

7. Encourages the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling it to fulfil its mandate even more effectively;

8. Expresses its appreciation to those Governments that have cooperated with the Working Group and replied to its requests for information;

9. Extends its warm thanks to those Governments which have invited the Working Group, requests them to give all necessary attention to its recommendations and asks them to inform the Working Group of any follow-up measures taken;

10. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

11. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Working Group to the Commission at its forty-eighth session;

12. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities.

DRAFT RESOLUTION XVII

Human rights and scientific and technological progress

The General Assembly,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, 7/ the International Covenant on Economic, Social and Cultural Rights, 26/ the International Covenant on Civil and Political Rights 26/ and the Declaration on Social Progress and Development, 56/

56/ Resolution 2542 (XXIV).

Recalling the relevant provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, 57/

Reaffirming the need to respect human rights and freedoms and the dignity of the human person in the conditions of scientific and technological progress,

Bearing in mind also that the main and decisive factor in the acceleration of the social and economic development of society is the development of the human being,

Conscious that modern science and technology give the possibility to create material conditions for the prosperity of society and for the thorough development of the human person,

Being convinced that today the resources of mankind and the activities of scientists should be used for the peaceful social, economic and cultural development of all countries, raising the standard of living of all peoples and for better assurance of human rights and fundamental freedoms,

Recognizing the need to broaden the access of developing countries to the achievements of scientific and technological progress,

Recognizing also the important contribution of science and technology to the economic and social progress of mankind,

Aware that the exchange of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of all countries, and especially of developing countries,

1. Underlines the importance of the implementation by all States of the provisions and principles contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind for the promotion of the realization of human rights and fundamental freedoms;

2. Calls upon all Member States to ensure that the achievements of scientific and technological progress and the intellectual potential of mankind are used for promoting and encouraging universal respect for human rights and fundamental freedoms;

3. Once again calls upon Member States to take the necessary measures to ensure that the results of science and technology are used only for the benefit of the human being and do not lead to the disturbance of the ecological environment;

57/ Resolution 3384 (XXX).

4. Underlines the need that scientific knowledge and technology in health, education, housing and other social spheres should be readily available to the population as the heritage of humanity;

5. Requests the specialized agencies and other United Nations bodies to take into consideration the relevant provisions of the international instruments listed above in their programmes and activities;

6. Decides to consider the question of human rights and scientific and technological progress at its forty-eighth session under the item entitled "Human rights questions".

DRAFT RESOLUTION XVIII

Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the increasing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur of the Commission on Human Rights on this subject 58/ and also in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, 59/

Aware of the recommendations concerning mass exoduses made by the Commission on Human Rights to its Subcommission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs to be taken into account when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own and upon the international community as whole, by these sudden mass exoduses and displacements of population,

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58/ E/CN.4/1503.

59/ A/41/324, annex.

Stressing the need for international cooperation aimed at averting new massive flows of refugees while providing durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees,

Recalling its resolution 45/153 of 18 December 1990 and Commission on Human Rights resolution 1991/73 of 6 March 1991, 11/ as well as all previous relevant resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

Noting that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection,

1. Endorses the recommendations of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competences under the Charter of the United Nations for the prevention of massive flows of refugees and displaced persons;

2. Again invites all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation with and assistance to world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

4. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons;

5. Takes note with appreciation of the emphasis placed by the Secretary-General in his annual report on the need to develop the capacity of the United Nations for early warning and preventive diplomacy to help deter humanitarian crises;

6. Reiterates, in this regard, its previous resolutions on the question of human rights and mass exoduses and requests the Secretary-General, in the further development of the capacity of the Secretariat for early warning and preventive diplomacy, to pay particular attention to international cooperation to avert new flows of refugees;

7. Also notes in this connection that mass movements of populations are caused by multiple and complex factors, either man-made or natural, ranging from wars and armed conflicts, invasions and aggressions, violations of human rights, forcible expulsions, economic and social factors, natural disasters, to degradation in the environment, which indicates that early warning requires an intersectoral and multidisciplinary approach;

8. Takes note of the report of the Secretary-General on human rights and mass exoduses, 60/ and reiterates its request that future reports include information concerning the modalities and operations of early-warning activities to avert new and massive flows of refugees;

9. Specially encourages the Secretary-General to continue to discharge the task described in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows, and to implement the recommendations of the Joint Inspection Unit contained in its report entitled "The coordination of activities related to early warning of possible refugee flows"; 61/

10. Requests the Secretary-General to intensify his efforts to develop the role of the Office for Research and the Collection of Information of the Secretariat as a focal point for the operation of an effective early-warning system and the strengthening of coordination of information-gathering and analysis among United Nations agencies with a view to preventing new massive flows of refugees and displaced persons;

11. Reiterates the importance of the early-warning function of the Office for Research and the Collection of Information;

12. Urges the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early-warning activities in the humanitarian area by, inter alia, the computerization of the Office for Research and the Collection of Information and strengthened coordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, as well as the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights of the Secretariat and the relevant specialized agencies;

60/ A/46/542.

61/ A/45/649 and Corr.1, annex.

13. Welcomes the information in the report of the Secretary-General that a temporary post is expected to become available in the biennium 1992-1993 in order that a computer specialist can be recruited to further the development of the ORCIDATA system;

14. Also requests the Secretary-General to make the necessary information available to the competent United Nations organs, bearing in mind the recommendations of the Joint Inspection Unit on coordination;

15. Invites bodies of the United Nations system to consider the most expedient ways and means of following up the recommendations of the Joint Inspection Unit on coordination;

16. Welcomes the initiation of close contacts between the Office for Research and the Collection of Information and a large number of United Nations agencies and offices in pursuit of a system-wide network for early warning of potential mass exoduses;

17. Welcomes the establishment by the Administrative Committee on Coordination of the Ad Hoc Working Group on Early Warning regarding New Flows of Refugees and Displaced Persons with a mandate to develop an effective early-warning system related to possible flows of refugees and displaced persons, including practical measures of cooperation and procedures for gathering, analysing and disseminating information in a timely manner to all concerned, and to make recommendations on the need for an inter-agency consultative mechanism;

18. Urges the Ad Hoc Working Group to carry out its mandate and submit to the Administrative Committee on Coordination in 1992 its report on the early-warning mechanism to be established;

19. Emphasizes the significance of this task of the Ad Hoc Working Group in view of the continuing situation with regard to mass exoduses;

20. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the strengthened role that he is playing in undertaking early-warning activities, especially in the humanitarian area, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees;

21. Invites the Secretary-General to keep the General Assembly informed of the efforts to follow up recommendations of the Joint Inspection Unit;

22. Also invites the Secretary-General to include in his report to the General Assembly at its forty-seventh session detailed information on the programmatic, institutional, administrative, financial, and managerial efforts instituted to enhance the capacity of the United Nations to avert new flows of refugees and to tackle the root causes of such outflows;

23. Decides to continue consideration of the question of human rights and mass exoduses at its forty-seventh session.

DRAFT RESOLUTION XIX

International Year for the World's Indigenous People

The General Assembly,

Bearing in mind that one of the purposes of the United Nations set forth in its Charter is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Reiterating its resolution 45/164 of 18 December 1990, proclaiming 1993 as the International Year for the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous communities in such areas, inter alia, as human rights, the environment, development, education and health,

Taking into account the guidelines for international years and anniversaries adopted by the General Assembly in decision 35/424 of 5 December 1980,

Bearing in mind Commission on Human Rights resolution 1991/57 of 6 March 1991, 11/

Noting with satisfaction the initiatives taken by the Executive Board of the United Nations Children's Fund in its resolution 1991/7 and the Governing Council of the United Nations Development Programme in its resolution 1991/12 in response to Commission on Human Rights resolution 1991/57,

Noting the entry into force on 5 September 1991 of the Convention on Indigenous and Tribal Peoples, 1989 (No. 169) of the International Labour Organisation,

Welcoming decision 3/7 of 4 September 1991 of the Preparatory Committee for the United Nations Conference on Environment and Development regarding the opportunity afforded by the International Year for the World's Indigenous People as a first step towards mobilizing international technical and financial cooperation for the self-development of indigenous people and their communities, 62/

Informed of the endorsement by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-third session of the second working paper 63/ submitted by Mr. Asbjorn Eide and Ms. Christy Mbonu,

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62/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 48 (A/46/48), vol. II.

63/ E/CN.4/Sub.2/1991/39.

Mindful of the preparatory process for the World Conference on Human Rights to be held in 1993,

Noting the report of the Secretary-General 64/ regarding the preparation and the organization of the International Year for the World's Indigenous People,

Recognizing the value and the diversity of the cultures and the forms of social organization of the world's indigenous people,

1. Requests the Secretary-General to proclaim during the forty-sixth session of the General Assembly, the theme "Indigenous people - a new partnership" for the International Year;

2. Recommends that the specialized agencies, regional commissions and other organizations of the United Nations system, in their consideration of the contributions that they can make to the success of the Year, be guided by how:

(a) Their operational activities can most effectively contribute to the solutions of problems faced by indigenous people;

(b) Indigenous people can play an important role in the planning, implementation and evaluation of projects which may affect them;

3. Encourages States to consult with indigenous people, and non-governmental organizations working with them, regarding activities for the Year;

4. Invites States again to inform the Secretary-General of their initiatives;

5. Adopts the annexed programme of activities for the International Year for the World's Indigenous People;

6. Recommends the appointment of the Under-Secretary-General for Human Rights as the Coordinator of the International Year with functional duties to be assigned to the Centre for Human Rights in conjunction with the Office of the Director-General for International Economic Cooperation and the International Labour Organisation;

7. Requests the Coordinator actively to solicit the cooperation of other elements of the United Nations, including financial and development institutions;

64/ A/46/543.

8. Decides:

(a) That the Coordinator shall convene early in 1992 a technical meeting of agencies, regional commissions and other relevant organizations of the United Nations system with representatives of States, organizations of indigenous people and other non-governmental organizations having a special interest in indigenous matters:

(i) To identify programme areas or capabilities that are of particular relevance and priority to indigenous people;

(ii) To agree on specific objectives for special projects to be implemented in 1993 as part of the International Year and to ensure their consonance with the theme and objectives of the Year;

(iii) To consider existing project guidelines and recommend effective means for including indigenous people in the initiation, the design and implementation of the special projects to be undertaken in 1993;

(iv) To suggest appropriate procedures and criteria for the evaluation of projects involving indigenous people, in 1993 and thereafter;

(v) To consider what financial provisions, if any, need to be made to ensure implementation of the foregoing;

(vi) To report on the outcome of the technical meeting conference to the Commission on Human Rights at its forty-ninth session;

(b) To continue to take into account the ongoing work of the Subcommission on Prevention of Discrimination and Protection of Minorities, as well as that of the Working Group on Indigenous Populations;

(c) To conduct the opening ceremonies for the International Year for the World's Indigenous People at its forty-seventh session in 1992;

9. Invites those States that are in a position to do so to consider means by which they could provide resources to assist the United Nations work on the International Year, for example by the secondment of suitable staff;

10. Urges States, intergovernmental and non-governmental organizations as well as indigenous peoples' organizations to contribute to the Voluntary Fund for the International Year opened by the Secretary-General;

11. Requests the Secretary-General to give all the necessary assistance to permit the implementation of the Coordinator's tasks;

12. Requests the Commission on Human Rights to convene a meeting of participating parties to the programmes and projects of the International Year to assess after the International Year what conclusions can be drawn from the activities.

ANNEX

Programme of activities for the International Year for the World's Indigenous People

I. Activities at the international level

A. United Nations observances to set the general tone for activities under the International Year

(a) A formal opening-day ceremony by the Secretary-General in New York, during the forty-seventh session of the General Assembly;

(b) Messages of support by heads of State or Government, executive heads of United Nations bodies, as well as chairpersons of the principal committees;

(c) A formal day of observance during the forty-ninth session of the Commission on Human Rights at Geneva;

(d) Issuance of slogan cancellations by the United Nations Postal Administration, paraphrasing "indigenous people - indigenous rights"/International Year for the World's Indigenous People, 1993;

(e) Design of a symbol by an indigenous artist for use in connection with activities during the International Year.

B. Projects and activities to be undertaken by the Department of Public Information of the United Nations Secretariat, in cooperation with the Coordinator and in consultation with indigenous organizations

(a) Production in all languages and dissemination of a poster highlighting the global diversity of indigenous people, and of a public service announcement using the same design as the poster for placement in international magazines, as space is donated;

(b) Publication of the Universal Declaration of Human Rights 7/ in local languages;

(c) Production and wide distribution of special programmes in the radio series of the Department of Public Information of the Secretariat, aimed at general and non-indigenous audiences;

(d) Production in all six official languages of an illustrated brochure on the Year, intended for use by United Nations information centres, non-governmental organizations, schools, the media and the general public.

C. Activities of the United Nations system

(a) Increasing the coordination, cooperation and technical assistance by the United Nations agencies and bodies for the solution of problems faced by indigenous communities in areas, such as human rights, the environment, development, education and health. In this connection, it is recommended that United Nations operational agencies explore possible new areas of cooperation, in particular technical and financial assistance;

(b) Funding of concrete projects for indigenous communities, reflecting the wishes of indigenous people, that can have a direct benefit to the community;

(c) Increasing publicity, especially to indigenous communities, on the work of the United Nations in areas related to the objectives of the Year;

(d) Increasing awareness of the existence of relevant international legal instruments related to the objectives of the Year, and promoting their widespread ratification and implementation;

(e) Establishing networks of indigenous organizations and communities for the sharing of information and experience in particular fields, such as health care, bilingual education, resource and environmental management;

(f) Contracting or secondment of indigenous organizations and persons with relevant expertise in carrying out projects for the benefit of indigenous communities throughout the world;

(g) Examining the possibility of holding the next two sessions of the Working Group on Indigenous Populations in the Western Hemisphere and in the Asia/Pacific region;

(h) Promoting an international trade fair of indigenous products;

(i) Providing technical assistance to Governments wishing to make provisions in their legislation for the protection and promotion of the human rights of indigenous people, in particular on questions of land, environmental protection and strengthening of cultural identity, as well as technical and financial assistance for the implementation of such legislation.

II. Activities at the national level

Member States are invited, in conformity with their right to determine freely their own development objectives in the light of their particular situations, to consider adopting the following measures to ensure the success of the Year:

(a) Governments could designate a contact person for the Year in the appropriate ministry and establish national committees composed of

governmental, indigenous and non-governmental representatives to prepare a national programme of activities;

(b) Governments could raise public awareness through information and education projects. These might include the publication of books, posters and leaflets by and/or on indigenous people; an educational book about the values, history and aspirations of indigenous people; special programmes on national radio and television; grants and awards for research about indigenous people by indigenous scholars; meetings and conferences;

(c) Governments could promote indigenous initiatives in such areas as radio and television and model projects on education, health, employment, housing and the environment;

(d) Governments could present information, prepared in partnership with indigenous people, about the situation prevailing in the country and the activities initiated during the International Year;

(e) Governments could encourage participation of indigenous people in the preparation and implementation of all activities undertaken in connection with the International Year;

(f) Indigenous organizations and communities could be encouraged to prepare their own programmes of activities and to take such measures as:

(i) Establishing contact points and committees for the Year, with a view to facilitating participation in the organization and implementation of activities carried out at the national level;

(ii) Preparing programmes of information activities, including publications, exhibitions, educational material, meetings, cultural events and training courses. Support for such activities should be sought from international organizations, Governments and non-governmental organizations;

(iii) Indigenous communities could plan demonstration projects in development, environment, health, education or in other areas; support for such activities could be sought from international organizations, Governments and non-governmental organizations.

DRAFT RESOLUTION XX

Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small, and its determination to promote social progress and better standards of living in greater freedom,

Bearing in mind that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Bearing in mind equally that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling that, in accordance with Article 55 of the Charter of the United Nations, the Organization shall promote universal respect for, and observance of, human rights and fundamental freedoms for all, with a view to the creation of conditions of stability and well-being that are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and that, in accordance with Article 56, all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55,

Reiterating that Member States should continue to act in the human rights field in conformity with the provisions of the Charter,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter, as well as the Universal Declaration of Human Rights, 7/ the International Covenants on Human Rights 26/ and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and

principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Reaffirming its resolution 45/163 of 18 December 1990,

Recalling its resolutions 32/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Bearing in mind its resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

Bearing in mind also Commission on Human Rights resolution 1991/79 of 6 March 1991, 11/

Noting the recommendation of the Commission on Human Rights that the Preparatory Committee for the World Conference on Human Rights, being guided by a spirit of consensus, should make suggestions aimed at ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues in United Nations human rights forums,

Aware of the fact that the promotion, protection and full exercise of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States in cooperation with the Organization to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. Calls upon all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter, the Universal Declaration of Human Rights, 7/ the International Covenant on Civil and Political Rights, 26/ the International Covenant on Economic, Social and Cultural Rights 26/ and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

4. Considers that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. Affirms that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. Expresses its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

7. Underlines, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

8. Invites Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, as well as international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

9. Requests the Commission on Human Rights, at its forty-eighth session, to continue to examine ways and means to strengthen United Nations action in this regard, on the basis of the present resolution and of Commission resolution 1991/79;

10. Requests the Secretary-General to invite Governments, in responding to the request in operative paragraph 8 of Commission on Human Rights resolution 1991/79, to comment also on the present resolution in time for the transmission of their comments to the Preparatory Committee for the World Conference on Human Rights and the regional conferences for their consideration, including ways and means to strengthen United Nations action in this regard;

11. Requests the Secretary-General to provide the Preparatory Committee for the World Conference on Human Rights with the United Nations documentation relevant to the present resolution;

12. Decides to continue to consider the content of the present resolution under the same item at its forty-eighth session.

DRAFT RESOLUTION XXI

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

The General Assembly,

Reaffirming the purposes of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Also recalling its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Further recalling the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the legitimacy of the struggle of the oppressed people of South Africa for the elimination of apartheid and for the establishment of a society in which all the people of South Africa as a whole, irrespective of race, colour or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny,

Also reaffirming the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to decide freely on their own future,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Also recognizing that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Recalling its resolutions 44/147 of 15 December 1989 and 45/151 of 18 December 1990,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. Reaffirms that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitutional and national legislation;

3. Also reaffirms that any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intend to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

4. Recognizes that there is no universal need for the United Nations to provide electoral assistance to Member States, except in special circumstances such as cases of decolonization, in the context of regional or international peace processes or at the request of specific sovereign States, by virtue of resolutions adopted by the Security Council or the General Assembly in each individual case, in strict conformity with the principles of sovereignty and non-interference in the internal affairs of States;

5. Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system;

6. Strongly appeals to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

7. Condemns any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

8. Solemnly declares that only the total eradication of apartheid and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and non-fragmented South Africa, can lead to a just and lasting solution to the situation in South Africa;

9. Reaffirms the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to determine their political, economic and social system, without interference;

10. Calls upon the Commission on Human Rights, at its forty-eighth session, to give priority to the review of the fundamental factors that negatively affect the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the General Assembly at its forty-seventh session, through the Economic and Social Council;

11. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution under the item entitled "Human rights questions".

DRAFT RESOLUTION XXII

Elimination of all forms of religious intolerance

The General Assembly,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 45/136 of 14 December 1990, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Encouraged by the efforts being made by the Commission on Human Rights and by the Subcommission on Prevention of Discrimination and Protection of Minorities to study relevant developments affecting the implementation of the Declaration,

Recalling Commission on Human Rights resolution 1990/27 of 2 March 1990 21/ and Economic and Social Council decision 1990/229 of 25 May 1990, by which the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate was extended for two years,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief by, inter alia,

engaging in the examination of the most effective means to promote the implementation of the Declaration,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world and that in some respects the incidence thereof has increased,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and discrimination based on religion or belief,

Recalling that 1991 marks the tenth anniversary of the proclamation by the General Assembly of the Declaration and that this provides an opportunity to reinforce efforts aimed at the effective implementation of the Declaration,

Noting that the Commission on Human Rights welcomed with appreciation the working paper prepared by Mr. Theo van Boven, 65/ member of the Subcommission on Prevention of Discrimination and Protection of Minorities, which contained a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument, and emphasizing, in this connection, the relevance of General Assembly resolution 41/120 of 4 December 1986 entitled "Setting international standards in the field of human rights",

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Urges States, therefore, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, 7/ the International Covenant on Civil and Political Rights 26/ and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

3. Urges all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine where necessary the supervision and training of members of law enforcement

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65/ E/CN.4/Sub.2/1989/32.

bodies, civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

4. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

5. Also calls upon all States in accordance with their national legislation to exert utmost efforts to ensure that religious places and shrines are fully respected and protected;

6. Urges all States to consider, in the context of the tenth anniversary in 1991 of the proclamation of the Declaration by the General Assembly, what further measures might be taken at the national and regional levels to promote the effective implementation of the Declaration;

7. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure, especially in the context of the tenth anniversary of the proclamation of the Declaration, that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

9. Invites the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

10. Encourages the continued efforts on the part of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

11. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights, including with regard to the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration;

12. Welcomes the announced intention of the Human Rights Committee to prepare a general comment on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

13. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration;

14. Requests the Secretary-General to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in its dissemination in national and local languages;

15. Urges all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

16. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

17. Decides to consider the question of the elimination of all forms of religious intolerance at its forty-seventh session under the item entitled "Human rights questions".

DRAFT RESOLUTION XXIII

Situation in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights 7/ and the International Covenants on Human Rights 26/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

Recalling that the Government of Myanmar has assured the General Assembly and other United Nations bodies of its intention to take all necessary steps towards democracy in the light of the elections held in 1990,

Noting with concern substantive available information indicating a grave human rights situation in Myanmar,

Welcoming the Secretary-General's statement on the award of the Nobel Peace Prize to Aung San Suu Kyi and his repeated appeals for her early release from house arrest,

1. Takes note of the assurances of the Government of Myanmar to take firm steps towards the establishment of a democratic State and looks forward to the early implementation of this commitment;

2. Expresses its concern at the information on the grave human rights situation and stresses the need for an early improvement of this situation;

3. Urges the Government of Myanmar to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights;

4. Decides to continue its consideration of this question at its forty-seventh session.

DRAFT RESOLUTION XXIV

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 7/ the International Covenant of Civil and Political Rights, 26/ and article 3 of the Geneva Conventions of 12 August 1949 66/ and Additional Protocol II thereto of 1977, 67/

Taking into account the commitments undertaken by the Central American Presidents in various joint statements on the promotion of, respect for and exercise of human rights,

Noting with satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional are pursuing the negotiating process that had begun on 4 April 1990 under the auspices of the Secretary-General, with a view to ending the armed conflict through political means as speedily as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society,

Taking into account the establishment of the United Nations Observer Mission in El Salvador, whose initial task, as part of a comprehensive

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66/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

67/ Ibid., vol. 1125, No. 17513.

peace-keeping operation, is to verify compliance with the partial agreement on human rights signed at San José on 26 July 1990, 68/

Noting with satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional have agreed in Mexico City on important constitutional reforms on the issues relating to the armed forces, the judicial system, the electoral system and human rights which, with the exception of the issue relating to the armed forces, have already been ratified by the Legislative Assembly, and on the establishment of the Commission on the Truth for the purpose of investigating serious acts of violence that have occurred in El Salvador since 1980,

Noting with satisfaction the agreement reached by the two parties in New York on 25 September 1991, on the basis of which the negotiating process has continued intensively and without interruption, creating hopes that the set of political agreements necessary for ending the armed conflict can be agreed upon in the shortest possible time,

Concerned that, despite a reduction in their number, serious violations of human rights and of the humanitarian rules of warfare persist,

Noting with satisfaction that, in the present context of the negotiating process, the Frente Farabundo Martí para la Liberación Nacional has unilaterally decided to desist from all offensive actions, urban operations and economic sabotage, and the Government of El Salvador has, for its part, decided to stop aerial bombing and the use of heavy artillery, decisions whose implementation is important in terms of increasing mutual trust and creating the necessary conditions for the achievement of a permanent cease-fire and the other objectives set out in the Geneva Agreement of 4 April 1990, 69/

1. Commends the Special Representative of the Commission on Human Rights for his provisional report on the situation of human rights in El Salvador, 70/ and endorses the recommendations contained therein;

2. Expresses its full support for the United Nations Observer Mission in El Salvador, which since 26 July 1991 has been verifying compliance with the partial agreement on human rights, and requests the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to

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68/ A/44/971-S/21541, annex; see Official Records of the Security Council, Forty-fifth Year, Supplement for July, August and September 1990, document S/21541.

69/ See A/45/706-S/21931, annex I; see Official Records of the Security Council, Forty-fifth Year, Supplement for October, November and December 1990, document S/21931.

70/ A/46/529, annex.

extend all facilities required for the discharge of its functions, ensure its security and comply as promptly as possible with the recommendations made to them;

3. Expresses its satisfaction that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, as part of their efforts to resolve the armed conflict, have signed agreements and established mechanisms for verification and monitoring in the field of human rights, full respect for which is essential to the attainment of a just and lasting peace;

4. Calls upon the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to take forthwith the actions and steps required to eradicate serious violations of human rights and of the humanitarian rules of warfare;

5. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue negotiations until the necessary political agreements are arrived at to put an end to the armed conflict as speedily as possible, lay firm foundations for promoting the democratization of the country, guarantee full respect for human rights and bring about the reunification of Salvadorian society;

6. Recognizes that it is an important precedent in Salvadorian penal justice to have pronounced guilty, on 25 September 1991, two soldiers, one of them of high rank, involved in the assassination of the Rector and other Jesuit priests of the Central American University, their housekeeper and her daughter, and urges the competent authorities to continue their investigation in order to determine whether other persons may have been involved, with a view to assigning responsibility as appropriate;

7. Notes with satisfaction that, in conformity with the New York Agreement, the National Commission for the Consolidation of Peace has been set up in its transitory phase, constituting a mechanism for the monitoring of and the participation of civilian society in the process of the changes resulting from the negotiations between the parties;

8. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to strengthen the confidence-building and security measures adopted unilaterally in order to keep the armed conflicts suspended until political agreements are reached as soon as possible which will definitively put an end to the armed conflict and achieve the other objectives established in the Geneva Agreement of 4 April 1990;

9. Supports fully the work of mediation being done by the Secretary-General and his Personal Representative in the search for a political solution to the armed conflict;

10. Decides to keep under consideration, during its forty-seventh session, the situation of human rights and fundamental freedoms in El Salvador, in conformity with the course of events in the country.

DRAFT RESOLUTION XXV

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 7/ and the International Covenants on Human Rights, 26/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights;

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens are respected,

Recalling also the pertinent resolutions of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, which expressed grave concern at the flagrant violations of human rights by the Government of Iraq,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, 11/ by which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq, and to submit an interim report thereon to the General Assembly at its forty-sixth session and a report to the Commission at its forty-eighth session,

Deeply concerned by the volume and extent of allegations of human rights violations by the Government of Iraq, such as arbitrary arrests and detentions, enforced or involuntary disappearances, torture, inhuman or degrading practices, extrajudicial killings, summary or arbitrary executions, hostage-taking and use of persons as "human shields", lack of freedom of expression and of an independent judiciary,

Noting the Special Rapporteur's view that these allegations are each day increasing and necessitate considerable and detailed examination,

Deeply concerned by the fact that chemical weapons have been used on the Kurdish civilian population, by the forced displacement of hundreds of

thousands of Kurds and the destruction of Kurdish towns and villages, as well as by the situation of tens of thousands of displaced Kurds living in camps in the north of Iraq, and by the deportation of thousands of Kurdish families,

Also deeply concerned by the repressive measures taken by the Government of Iraq against the Shiah communities in the south of Iraq,

Concerned especially by the alleged use of excessive force by the Government of Iraq against Iraqi civilians, in particular the Kurds and the Shi'ites,

Taking note with interest of the message conveyed to the Special Rapporteur by the Government of Iraq of its intention fully to cooperate with him, with such cooperation including acceptance of a visit to Iraq to investigate the allegations of violations of human rights in that country,

Regretting, however, that the Government of Iraq has failed to answer a considerable number of specific questions asked by the Special Rapporteur on acts being committed by the Government of Iraq that are incompatible with international human rights instruments that are binding on that Government,

1. Takes note with appreciation of the interim report of the Special Rapporteur 71/ and the considerations and the observations contained therein;

2. Expresses its deep concern about the numerous and detailed allegations of grave human rights violations by the Government of Iraq to which the Special Rapporteur has referred in his report, in particular:

(a) Arbitrary detention, including women, children and the elderly, as well as the systematic practice of torture and other cruel, inhuman or degrading practices, and of enforced or involuntary disappearances as a part of a general structured programme of repression aimed at quelling opposition;

(b) Extrajudicial killings, including political killings and summary or arbitrary executions throughout the country, particularly in the northern Kurdish autonomous region, in southern Shiah centres and in the southern marshes;

(c) Hostage-taking and the use of persons as "human shields", a most grave and blatant violation of Iraq's obligations under international law;

3. Calls upon the Government of Iraq to release all persons arrested and detained without ever being informed of charges against them, and without access to legal counsel or due process of law;

71/ A/46/647, annex.

4. Calls furthermore upon the Government of Iraq, as a State party to the International Covenant on Civil and Political Rights, 26/ to abide by its obligations under this Covenant and under other international instruments on human rights, and particularly to respect and ensure these rights to all individuals irrespective of their origin within its territory and subject to its jurisdiction, including Kurds and Shi'ites;

5. Regrets the failure of the Government of Iraq to provide satisfactory replies to all the allegations of violations of human rights, and calls upon the Government of Iraq to reply quickly in a comprehensive and detailed manner to these allegations so as to enable the Special Rapporteur to form an accurate assessment as a basis for his recommendations to the Commission on Human Rights;

6. Urges, therefore, the Government of Iraq to accord its full cooperation to the Special Rapporteur of the Commission on Human Rights during his forthcoming visit to Iraq to investigate the allegations of violations of human rights;

7. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur of the Commission to fulfil his mandate;

8. Decides to continue the examination of the situation of human rights in Iraq during its forty-seventh session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XXVI

Situation of human rights in Kuwait under Iraqi occupation

The General Assembly,

Recalling its resolution 45/170 of 18 December 1990,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 7/ the International Covenants on Human Rights 26/ and the Geneva Conventions of 12 August 1949, 66/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil obligations they have freely undertaken under the various international instruments,

Expressing its grave concern at the grave violations of human rights and fundamental freedoms during the occupation of Kuwait,

1. Takes note with satisfaction of Commission on Human Rights resolution 1991/67 of 6 March 1991; 11/

2. Expresses its appreciation to the Special Rapporteur on the Situation of Human Rights in Kuwait under Iraqi Occupation for his preliminary report; 72/

3. Expresses its deep concern for Kuwaiti and third-country national detainees and missing persons in Iraq;

4. Requests the Government of Iraq to provide information on all Kuwaiti persons and third-country nationals deported from Kuwait between 2 August 1990 and 26 February 1991 who may still be detained and to release, in accordance with its obligations under article 118 of the Geneva Convention relative to Prisoners of War 73/ and article 134 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 74/ these persons without delay;

5. Also requests the Government of Iraq to provide, in accordance with its obligations under articles 120 and 127 of the Geneva Convention relative to Prisoners of War, and articles 129 and 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, detailed information on persons arrested in Kuwait between 2 August 1990 and 26 February 1991 who may have died during or after that period while in detention, as well as on the site of their graves;

6. Further requests the Government of Iraq to search for the persons still missing and to cooperate with international humanitarian organizations, such as the International Committee of the Red Cross, in this regard;

7. Further requests that the Government of Iraq cooperate and facilitate the work of international humanitarian organizations, notably the International Committee of the Red Cross, in their search for and eventual repatriation of Kuwaiti and third-country national detainees and missing persons.

72/ A/46/544 and Corr.1.

73/ United Nations, Treaty Series, vol. 75, No. 972.

74/ Ibid., No. 973.

DRAFT RESOLUTION XXVII

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 7/ the International Covenants on Human Rights 26/ and accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 66/ and the Additional Protocols thereto, of 1977, 75/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling its resolution 45/174 of 18 December 1990 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and decisions of the Economic and Social Council,

Taking note in particular of Commission on Human Rights resolution 1991/78 of 6 March 1991, 11/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and of Economic and Social Council decision 1991/259 of 31 May 1991, in which the Council confirmed the extension and requested the Special Rapporteur to report to the General Assembly at its forty-sixth session on the situation of human rights in Afghanistan,

Emphasizing the relevance and validity for all parties concerned of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988, 76/ which constitute an important step towards a comprehensive political solution,

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75/ Ibid., vol. 1125, Nos. 17512 and 17513.

76/ S/19835, annex I.

Underlining the importance of the Secretary-General's statement of 21 May 1991, 77/ in which he provided a five-point peace plan to serve as the basis for a comprehensive political settlement in Afghanistan, acceptable to the majority of the Afghan people,

Noting with satisfaction the joint statement of the United States of America and the Union of Soviet Socialist Republics of 13 September 1991 on the simultaneous cut-off of weapons deliveries to the Afghan parties by 1 January 1992, and expressing the hope that such agreement will be implemented on a broader basis,

Noting with deep concern that a situation of armed conflict continues to exist in Afghanistan, that acts of terrorism are perpetrated on a wide scale against the civilian population, that the treatment of prisoners detained in connection with the conflict usually does not conform to the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Deeply concerned that more than five million refugees are still living outside Afghanistan and that many Afghans are displaced within the country and, despite a slight improvement of the conditions for the return of refugees, no massive return has been reported,

Aware also that the reasons given by the refugees for not returning to Afghanistan pending the achievement of a comprehensive political solution and the establishment of a broad-based government include the continued fighting in some provinces, the use of very destructive arms in the conflict, the minefields that have been laid in many parts of the country, the lack of an effective authority in many areas, the destruction of the economy and other obstacles that would be encountered by refugees in returning to Afghanistan,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the interim report of the Special Rapporteur on the situation of human rights in Afghanistan 78/ and of the conclusions and recommendations contained therein,

1. Welcomes the cooperation of the Afghan authorities with the Special Rapporteur on the situation of human rights in Afghanistan;

77/ A/46/606, annex I.

78/ A/46/606.

2. Welcomes the cooperation that the Afghan authorities have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Welcomes the fact that the Special Rapporteur was able to visit areas in Afghanistan not under government control;

4. Welcomes the steps undertaken by the Afghan authorities to reform the judicial system in order to conform it to international standards, and encourages them to continue with this process;

5. Urges all parties concerned to increase their efforts in order to achieve a comprehensive political solution based on the five points of the Secretary-General's plan of 21 May 1991 on the free exercise of the right to self-determination by the people of Afghanistan through democratic procedures acceptable to the Afghan people, including free and fair elections, the cessation of hostilities and the creation of conditions that will permit the free return of refugees to their homeland in safety and honour, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

6. Also urges all parties to the conflict to respect accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisals and violence, including ill-treatment, torture and summary executions, to transmit to the International Committee of the Red Cross the names of all prisoners, to expedite the exchange of prisoners wherever they may be held and to grant to that Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

7. Calls upon all States and parties concerned to render all possible assistance in order to resolve the issue of all prisoners of war detained as a result of the conflict, including those from the forces loyal to the Afghan authorities and opposition groups as an important humanitarian question;

8. Also calls upon all States and parties concerned to render all possible assistance in order to resolve the issue of the Soviet prisoners of war as an important humanitarian question;

9. Calls upon the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 48/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all convicted persons article 14, paragraphs 3 (d) and 5, of the International Covenant on Civil and Political Rights; 26/

10. Notes with interest the reply of the Soviet authorities concerning the fate of those Afghan children who are in the Union of Soviet Socialist Republics;

11. Notes improvements in the treatment of prisoners and urges all the parties to the conflict to conform fully to the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977;

12. Notes with concern the allegations of atrocities that are still committed against Afghan soldiers, civil servants and captured civilians;

13. Requests the Afghan authorities to take the proper steps in order to permit activity by the political opponents, and appeals to all conflicting parties to act likewise;

14. Appeals to the Afghan authorities to commute the death sentences imposed on the persons allegedly involved in the attempted coup d'état of March 1991;

15. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

16. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity, in conformity with the Agreements on the Settlement of the Situation Relating to Afghanistan;

17. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

18. Urges all parties concerned to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

19. Urges all parties concerned to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

20. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

21. Decides to keep under consideration, during its forty-seventh session, the situation of human rights in Afghanistan in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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103. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

DRAFT DECISION I

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 79/ and requests the Secretary-General to report to the General Assembly at its forty-eighth session on the status of the Convention.

DRAFT DECISION II

Consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly, aware that the Government of Australia has notified in writing a request for amendment to article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination 20/ by substituting the existing paragraph 6 with a new paragraph reading "The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention" and by adding a new paragraph reading "The members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide", 80/ and noting that article 23 of the Convention requires the General Assembly to decide upon the steps, if any, to be taken in respect of such a request, decides:

79/ A/46/394.

80/ A/C.3/46/5.

(a) To request the States parties to the Convention to consider the proposed amendment at their next meeting in January 1992;

(b) To request the meeting of States parties to limit the scope of any revision of the Convention to the question of arrangements for meeting the expenses of members of the Committee while they are performing Committee duties, as provided for in article 8, paragraph 6, of the Convention.